

AREA OFFICES

LOS ANGELES OFFICE
MICHIGAN 8411
MIRROR BUILDING
145 SOUTH SPRING STREET
12

SACRAMENTO OFFICE
GILBERT 2-4711
924 9TH STREET
14

SAN FRANCISCO OFFICE
EX BROOK 2-8751
GRAYSTONE BUILDING
948 MARKET STREET
2

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES I. SCHOTTLAND
DIRECTOR

July 31, 1951

T-22
CH-2

STATE HEADQUARTERS

SACRAMENTO
GILBERT 2-4711
616 K STREET
14

ADDRESS REPLY TO:

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

Dear Mr. Jordan:

Attached are three copies of the regulations which will be issued by the State Department of Social Welfare with Old Age Security Manual Letter No. 1 and three resolutions of the State Social Welfare Board which obsolete certain specified regulations.

These regulations and the resolutions were adopted by the State Social Welfare Board on July 27, 1951, pursuant to the powers conferred upon it by the Welfare and Institutions Code under Sections 103, 103.5, and 114(b), and are being filed in accordance with Section 11380 of the Government Code, to be effective September 1, 1951.

Department Bulletins No. 394 and 408 are obsolete and Department Bulletin No. 448 is obsolete insofar as OAS is concerned.

Very sincerely yours,

C. I. Schottland

Charles I. Schottland
Director

FILED

In the Office of the Secretary of State
of the State of California

Attachments

JUL 31 1951

At 9 o'clock P. M.
FRANK M. JORDAN, Secretary of State
By *[Signature]* Deputy

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C S Achouland
(Signature)

Director
(Title)

7-31-57
(Date)

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C S Achouland
(Signature)

Director
(Title)

7-31-57
(Date)

APPEALS

~~The chapters on appeals for the new OAS, AB, and ANC Manuals are presented for approval of the SSWB. If these chapters are approved, approval of the following resolution is also requested to obsolete the Fair Hearings Chapter of the present integrated Manual.~~

RESOLUTION

Chapter XV of the Manual of Policies and Procedures - OAS, Chapter XIII of the Manual of Policies and Procedures - Aid to the Blind, and Chapter ~~VI~~ of the Manual of Policies and Procedures - ANC render obsolete the Fair Hearing Chapter (Chapter 325) of the Manual of Policies and Procedures effective September 1, 1951.

FILED

In the Office of the Secretary of State
of the State of California

JUL 31 1951

At 4 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By [Signature] Deputy

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C I Schönland
(Signature)

Director
(Title)

7-31-57
(Date)

~~Department Bulletin No. 457-C re debts was adopted by the SSWB on June 28, 1951, and was subsequently issued effective August 1, 1951. Sec. A-1280, included in the new OAS Manual also adopted at the June 28 meeting, actually represented an earlier version of the same regulation. Sec. A-1280 was to have been withdrawn before presentation to the Board but, due to an oversight, this was not done. Therefore approval is requested to substitute the contents of Department Bulletin No. 457-C verbatim for the material now in Sec. A-1280.~~

RESOLUTION

"The contents of Department Bulletin No. 457-C shall be substituted verbatim, except as to effective date, for the material in Sec. A-1280 and shall be issued as Sec. A-1280 of the Manual of Policies and Procedures - OAS, effective September 1, 1951. The approval of Sec. A-1280 by State Social Welfare Board on June 28, 1951, is hereby rescinded. Department Bulletin No. 457-C shall be superseded on September 1, 1951, by Sec. A-1280 as herein approved."

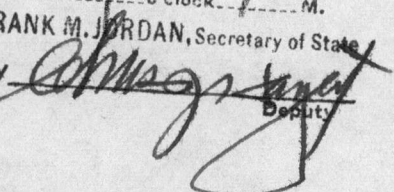
FILED

In the Office of the Secretary of State
of the State of California

JUL 31 1951

At 4 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By  Deputy

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C J Schouland
(Signature)

Director
(Title)

7-31-57
(Date)

OAS MANUAL

On June 28, 1951, the Social Welfare Board approved 10 chapters of the new Manual of Policies and Procedures - Old Age Security to be effective September 1, 1951.

The Board is now requested to approve the following resolution which specifies regulations made obsolete by these ten chapters of the new Manual.

Regulations applicable with respect to welfare personnel standards, permanent sample procedures, and statistical and financial procedures contained in the present integrated Manual of Policies and Procedures and current Department Bulletins continue in effect. The chapters on General Provisions, Applications, State Case Numbers and certain sections of the Continuing Services and Investigation and Decision chapters remain in effect until the issuance of the remaining chapters.

RESOLUTION

The ten chapters of the Manual of Policies and Procedures - Old Age Security which are effective September 1, 1951, supersede the following chapters of the Manual of Policies and Procedures insofar as they pertain to Old Age Security on September 1, 1951:

Chapter 105 - Age	Chapter 140 - Personal Property
Chapter 112 - Citizenship	Chapter 150 - Income
Chapter 120 - Residence	Chapter 160 - Institution Inmates
Chapter 130 - Real Property	Chapter 170 - Relatives

The Investigation and Decision Chapter remains current with respect to OAS, except for the following sections which are superseded effective September 1, 1951:

233-25	233-45
233-30	237-10
233-35	250-05
233-40	

The Continuing Services Chapter remains current with respect to OAS, except for the following sections which are superseded effective September 1, 1951:

361-00	361-35	362-05
361-10	361-50	362-30
361-25	361-75	362-40
361-26	361-80	362-42
361-30	361-90	362-48
361-33	362-00	362-50

FILED
in the Office of the Secretary of State
of the State of California

JUL 31 1951

At 9 o'clock P.
FRANK M. JORDAN, Secretary of State
By *[Signature]* Deputy

The following Department Bulletins are obsolete effective September 1, 1951:

412	425	457-B
417	442	457-C
419	457	
422	457-A	

The provisions of the following bulletins are obsolete on September 1, 1951, insofar as they pertain to Old Age Security:

430	430-B	430-E
430-A	430-D	

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C. I. Schottland
(Signature)

Director
(Title)

7-31-57
(Date)

B-627 CHANGES IN AMOUNT OF AID
(Rev.)

B-627

Because an individual's need or income is subject to change, a method of adjusting the grant is necessary. The Notice of Change, Form Bl 232, is used by the county to effect an increase, decrease, discontinuance, or restoration of aid. Any change in aid shall be made as soon as administratively possible.

The amount of aid shall be changed whenever it is determined that the authorized payment is not in accord with the amount which the individual is entitled to receive. (See Secs. B-630, Retroactive Aid Payments and B-633, Decrease in Amount of Aid.)

ANB - If a change in the continuing grant is required because of a change in the income and/or need of an ANB recipient, and the amount of change is \$2.00 a month or less, such change shall be made effective not later than the second month following that in which the circumstances requiring the change were reported. If a change in an amount of \$2.00 or less is not continuing beyond two months, the amount of aid need not be changed.

1. Increases. If continuing need and/or income changes to such extent that continuing future payments must be increased \$2.00 or less, the necessary change in the continuing amount of aid shall be authorized in time to be effective with the first, or not later than the second, month following that in which the changed circumstances were reported. Retroactive aid to adjust for underpayment caused by reduced income and/or increased needs shall not be paid for any month in which the amount of underpayment is \$2.00 or less. Exception: If for any reason a necessary change is not made effective until after the second month following that in which the changed circumstances were reported, retroactive aid in the amount due shall be paid beginning with such second month even though the amount of retroactive aid due is \$2.00 or less. (a)
2. Decreases. If overpayment of \$2.00 or less occurred in either or both of the two months preceding the so-called "month of adjustment", the grant shall not be reduced to adjust for such overpayment, nor shall adjustment be made for such overpayment by means of a refund. Any necessary change in the continuing amount of aid shall be effective with that month which would normally be "the month of adjustment", and shall be determined on the basis of the need and the income to be received in that month.

If monthly interest payments in decreasing amounts (which have not been determined an inconsequential resource) are received, either of the two following methods may be used for adjusting the grant:

(Section Continued on Next Page)

FILED

In the Office of the Secretary of State
of the State of California

(a) To incorporate provisions of SB 1004.

JUL 31 1951

At _____ o'clock _____ M.

FRANK M. JORDAN, Secretary of State

By [Signature] Deputy

1. The total amount of income from this source may be determined for each three-month period. Any necessary adjustment in the grant may be made in the first or not later than the second month following the end of the three-month period, for which the amount was determined.
2. The total amount of income from this source may be determined for the ensuing twelve-month period and the monthly average thereof taken into consideration in making any necessary adjustment in the monthly grant. (W&IC 3075, 3460)

If a recipient leaves the state or goes to another county for a temporary period without loss of California intent to change his residence, aid shall be continued as long as residence is retained and the person remains otherwise eligible. He shall be required to inform the county of residence every two months regarding his living plan and his intent with respect to residence and to state the change, if any, in his income or financial circumstances.

~~If there is prolonged absence, the county may request the welfare agency in the community to interview the recipient to determine if need continues. If redetermination falls due during temporary absence from the state or county, such redetermination shall be made as provided in Sec. B-236, Redetermination During Absence from the State or County. (W&IC 3075, 3460)~~

A recipient's continued absence from the state for one year or longer is prima facie evidence that California residence is lost, i.e., it creates a presumption of intent to abandon California residence. Unless the presumption is refuted by evidence to the contrary, aid shall be discontinued.

(a)

The presumption that residence has been lost can be refuted only by positive evidence supporting the recipient's statement of intent to retain California residence. ~~The recipient's signed statement of intent shall be secured and evaluated in relation to other factors such as voting by absentee ballot in California, leaving possessions here, correspondence indicating attempts to secure housing or to find a boarding home, or to make some other living plan here, temporary inability to return, etc. Circumstances which prevent the recipient's return might include: illness of the recipient which would prevent travel; inability of a relative to receive him because of temporary lack of space; unsettled living plan; illness in the relative's family, etc; temporary inability to obtain a traveling companion; lack of funds for transportation, etc.~~
(W&IC 3075, 3460)

(a) To incorporate provisions of SB 1587

~~B-612. The purpose of this revision is to permit the use of county discretion in applying rent and housing ceilings when present housing provides the blind person with familiarity with surroundings deemed essential for him, or when the present cost for housing actually covers essential personal services to the blind occupant,~~

B-612 SPECIAL NEEDS - DEFINITION AND DETERMINATION
(Rev.) ANB ONLY

B-612

Special needs are not common to all recipients, but an individual recipient may have need for one or more of them. The special needs listed below shall be taken into consideration under the circumstances and within the monetary limits indicated.

1. Food--The amount by which the cost of special diet exceeds the cost of basic food (\$28.50) represents special need, and is to be computed in accordance with the department's Special Diet Schedule. "The "Special Diet Schedule" is prepared by SDSW and released to the counties as often as price changes require.)

If the circumstances require that the recipient eat his meals in restaurants, the cost in excess of basic food shall be allowed up to \$21.40 a month.

(a)

2. Housing--If adequate housing is not available at less cost within the community, or if a health condition requires close proximity to a medical or shopping center, or if employment of the recipient or his spouse makes proximity to the place of employment a factor, special need exists as follows:

Rent--If rent, including no utilities, for a recipient living alone or living with someone other than a spouse, exceeds \$15, the amount in excess thereof, up to a maximum of \$25, represents special need. The basic allowance of \$15 plus \$25 results in a \$40 maximum for rent. If the recipient lives with an eligible or ineligible spouse, his share of the rent shall be considered to be no more than one-half of the total rent, up to a maximum of \$65 for the total rent. If his share exceeds \$15, the amount in excess thereof, up to a maximum of \$17.50, represents special need. The basic allowance of \$15 plus \$17.50 results in a \$32.50 maximum for the recipient's share of the rent.

If the rent, including utilities, for a recipient living alone or living with someone other than a spouse, exceeds \$21.30, the amount in excess thereof, up to a maximum of \$25, represents special need. The basic allowance of \$21.30 plus \$25 results in a \$46.30 maximum for rent, including utilities.

If a recipient lives with an eligible or ineligible spouse, his share of the rent, including utilities, shall be considered to be no more than one-half of the total rent, up to a maximum of \$71.30 for the total rent. If his share exceeds \$21.30, the amount in excess thereof, up to a maximum of \$14.35, represents special need. The basic allowance of \$21.30 plus \$14.35 results in a \$35.65 maximum for the recipient's share of the rent.

(Section Continued on Next Page)

(a) Expanded policy. *Classification*

Home Owned--If the recipient lives alone in his own home, and the monthly cost of prorated taxes, the required encumbrance payment (principal and interest), if any, \$2 monthly allowance for minor repairs and upkeep, and any net occupancy value, exceeds \$15, the amount in excess thereof, up to a maximum of \$25, represents special need. The basis allowance of \$15 plus \$25 results in a \$40 maximum for housing.

If the recipient lives in his own home with an eligible or ineligible spouse, his share of the housing cost shall be considered to be no more than one-half of the total up to a maximum of \$65 for the total housing cost. If his share exceeds \$15, the amount in excess thereof, up to a maximum of \$17.50, represents special need. The basic allowance of \$15, plus \$17.50, results in a \$32.50 maximum for the recipient's share of the housing cost.

If applicants or recipients are living in housing which does not come within the foregoing limitations, they shall be given a three-months' period in which to move to housing within the ceiling limit, to refinance the home property so that payments thereon may be reduced within the ceiling, or to make such other adjustments as may be possible. If, at the end of the three-months' period, no adjustment is made, the grant shall be determined on the basis of allowance for special need as above specified.

The above maximums for rent and housing are not applicable to a blind applicant or recipient if the present housing provides a familiarity with surroundings deemed essential to the continued well-being of the blind occupant; or if the present cost for housing actually covers essential personal services to the blind occupant. If either of these conditions obtains, an exception may be made to the maximums for rent and housing. The facts substantiating any exception shall be set forth in the case record.

(a)

If it is necessary to provide safe and healthful housing or to minimize deterioration, the expense of occasional repairs, the cost of which is \$10 or more, represents special need until allowance has been made for the cost of such repairs, provided the cost does not exceed the minimum for which such repairs can be secured. The plan for payment agreed upon between contractor or vendor and the recipient shall be recorded in detail.

Portions of this section not relevant
to changes are omitted from the Agenda.

(a) Expanded policy

~~B-218, Case Records: Sub-section D thereof is being amended to include the provision that the board of supervisors may authorize the destruction of the case record or any part thereof of any person whose aid had been discontinued for a period in excess of five years by the county. It was formerly required that documents supporting determination of eligibility and accounting records should be preserved irrespective of the length of time aid had been discontinued.~~

B-218 CASE RECORDS
(Rev.)

B-218

A. Purpose of Case Records

The case record is the foundation of a public welfare program. The information contained in it, reflecting an adequate and proper determination of eligibility factors, serves to protect the public as well as the individual applicant or recipient. It protects the public interest by containing verification that public funds are being properly expended or that they were properly denied to an applicant deemed ineligible for such funds on the basis of available facts. The case record serves as an assurance to the individual that a determination was made in an impartial and proper manner, and that any aid authorized on his behalf was paid according to law.

It is, therefore, essential that case records shall be maintained which shall contain factual evidence that is adequate and competent to support the recommendation that aid be granted or denied. If there are pertinent conflicts in information relating to eligibility or ineligibility, the case record shall show how these were reconciled.

B. Document Contents

In general, the case record shall contain the face sheet, if used, the narrative record, the Report of Investigation (Form Bl 202) or a substitute combination of the face sheet (DPA 4) and the narrative.

It shall also include, in a uniform arrangement, copies of all forms completed in connection with an application and investigation, including the forms required for submission to the SDSW, as well as those devised by the county, and copies of all correspondence. The application (Form Bl 200) and Certificate of Verification of Eligibility (Form Bl 201) shall be either original or certified copies or duplicate copies. An original signature is necessary on the Form Bl 200.

The case record shall contain verification that a copy of the Notification of Action by the ~~Board of Supervisors~~ ^{County} (Form Bl 239) was mailed to the applicant or recipient. If a copy of the Form Bl 239 (or a carbon copy of the information included on the Form Bl 239) is not filed in the case record, the date the Form Bl 239 is mailed to the applicant or recipient shall be recorded either: (1) in the case history, or (2) on the copy of Form Bl 201 which is retained in the case record, or (3) on the copy of the Notice of Change (Form Bl 232) which is retained in the case record.

C. Recorded Contents

All information pertinent to eligibility should be recorded. Irrelevant material should be excluded. The needs of the individual, and the services rendered to meet those needs by the county or another agency, should be noted in the case record. In the initial interview, information obtained regarding the individual's changed circumstances which prompted the application for aid, his

(Section Continued on Next Page)

attitudes, plans, etc., relating to rehabilitation, employment, and adjustment, is most helpful in later evaluation of his needs and determination as to how they can be met. This information should also be recorded, if applicable, at time of the redetermination.

The contents of documents in the applicant's possession or in public records which were examined by the worker shall be recorded. Such recording shall fully identify the document and clearly state the facts therein which were extracted as evidence. It is unnecessary to have copies of such documents in the record.

D. Preservation of Contents Considered-Permanent

Forms Bl 200, Bl 201, Bl 206, and Bl 232, together with any documents supporting determination of eligibility, and accounting records constitute permanent records to be preserved. One copy each of such forms, documents, and records shall be preserved irrespective of the length of time aid may have been discontinued, for a period of at least five years from the date on which the recipient last received Aid to the Blind from the county. (a)

If aid has been discontinued for a period in excess of five years, ~~or more, the narrative record may be destroyed, upon authorization of the board of supervisors, if its content has been photographed in such manner that it may be reproduced.~~ the board of supervisors, may authorize the destruction of the case record or any part thereof. (b)

~~(a) To incorporate the provisions of SB 735.~~

(b) To incorporate the provisions of Chapter 84, Statutes of 1951, (AB353)

~~B-518, Institutional Subvention for Hospital or Infirmary Care ANB Only: This section is being amended by adding to the end of item 2 thereof the provision that if the individual is released from the institution and re-enters within 10 days or before aid is restored, his confinement shall be deemed to have been continuous and institutional subvention may therefor continue to be claimed.~~

B-518 INSTITUTIONAL SUBVENTION FOR HOSPITAL OR INFIRMARY CARE
(Rev.) ANB ONLY

B-518

Payment to the county for medical, hospital or infirmary care rendered a former recipient of ANB in a county institution at county expense may be made if all of the following conditions are met.

1. The individual was eligible for and was receiving aid on the date of admission.
2. The individual has been continuously confined in the institution and two calendar months since date of admission have elapsed. (See Sec. B-515, Eligibility During Hospitalization.) If the individual is released and re-enters the institution within 10 days and before aid is restored, his confinement in the institution shall be deemed to have been continuous.
3. There is on file in the county the certification of the superintendent or other official of the institution that the former recipient received care in the institution during each month for which a claim is filed.

(a)

The state's payment for medical, hospital, or infirmary care rendered a former recipient of ANB in a county institution is \$35.20 per month, or portion of a month.

In all cases where payment to the county for institutional care is to be claimed, the county board of supervisors shall take action requesting such payment in the first month for which the claim is being made, if possible.

There may be overlapping of payment to the county for institutional care and payment of aid to the individual. If aid is restored to the recipient effective as of the date of release from the institution (either by automatic restoration or by ^{separate} action of the board of supervisors during the month of release), institutional subvention is payable for the full month.

If a former recipient for whose care institutional subvention is paid dies before the end of the particular month, institutional subvention is payable for the full month. (AGO NS5350)

Subvention shall be claimed by the county rendering the care irrespective of the former recipient's residence status, except when such care is being given under a contractual arrangement between the two counties in which case, the county paying for the care rendered shall claim. (W&IC, 3044.1, 3075)
7.1,

(a) To incorporate the provisions of AB 2196.

~~B-005: The proposed revision to this section under General Provisions is to include an addition to the Welfare and Institutions Code (Section 103.3) which provides that the provisions of the Code shall be administered fairly to the end that all persons who are eligible and apply for public assistance shall receive the assistance to which they are entitled promptly.~~

B-005 PURPOSE OF ANB AND APSE LAWS
(Rev.)

B-005

The people of California, through its elected representatives to the State Legislature, enacted an act known as the Welfare and Institutions Code in order:

"to provide for protection, care, and assistance to the people of the State in need thereof, and to promote the welfare and happiness of all people of the State by providing public assistance to all of its needy and distressed. It is the legislative intent that assistance shall be administered promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, religion, or political affiliation; and that assistance shall be so administered as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society." (W&IC 19)

"The provisions of this code relative to public assistance for which state grants-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public assistance shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds."
(W&IC 103.3)

(a)

As an expression of California's recognition of the fact that blindness often makes it difficult for an individual to support himself, and renders his need for security much greater than that of persons with sight, the Legislature made the following statutory declaration:

"It is hereby declared that provision for public aid to the needy blind as in this code provided is a matter of state-wide concern, (W&IC 103.6)

and enacted an "Aid to Needy Blind Law" in order to

".....relieve blind persons from the distress of poverty, to enlarge the economic opportunities of the blind and to stimulate the blind to greater efforts in striving to render themselves self-supporting." (W&IC 3000)

The Legislature expressed its intent in Sections 3001 and 3002 of the W&IC as follows:

"The provisions of this chapter shall be liberally construed to effect its objects and purposes....

"It is recognized that the needs of blind persons may be different from the needs of aged persons."

(Section Continued on Next Page)

(a) To incorporate provisions of SB 1586.

The purpose of the APSB Law is:

"to provide a plan for this State whereby the blind residents of this State may be encouraged to take advantage of and to enlarge their economic opportunities, to the end that they may render themselves independent of public assistance and become entirely self-supporting.

"To achieve this objective, resources and income beyond the necessities of bare decency and subsistence are required. This chapter, by allowing the retention of necessary income and resources by those of the blind showing a reasonable probability of being able and willing to undertake the acquisition of resources and income necessary for self-support, will encourage them in their efforts to become self-supporting."
(W&IC 3400)

~~B-030, Confidential Nature of Records: Item B in this section, "Statutory Requirements," is being revised to incorporate at the end thereof the legal provision which provides that any person other than in the course of official duty publishes or discloses a list of persons who have applied and been granted any form of public assistance is guilty of a misdemeanor.~~

B-030, CONFIDENTIAL NATURE OF RECORDS
(Rev.)

B-030

A. Principles of Confidentiality

It is the right of a person to feel that when his problem is presented to another person, the information so shared will be held in strictest confidence. In social work, the confidential relationship between the worker and the client is inviolate.

In professional relationships, the confidential nature of records is a fundamental principle. It is based on the respect and dignity to which every individual is entitled. Many individuals reveal information under the stress of need which they would not otherwise disclose. It may be detrimental to their interest or to the public interest to have such information disclosed.

B. Statutory Requirements

Although in other professions, the principle of considering records as confidential is voluntarily adhered to, it is made mandatory in the profession of social work by State and Federal Statute.

In California, the law requires that:

"Except as otherwise provided in this section, all applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to any form of public assistance for which grants in aid are received by this State from the United States Government shall be confidential, and shall not be open to examination for any purpose not directly connected with the administration of such provision of this code.

"Except as otherwise provided in this section, no person shall publish or disclose or permit or cause to be published, or disclosed any list of persons receiving any such public assistance,.....Any violation of this section is a misdemeanor...."

"Any person, including every public officer and employee, who knowingly secures, or possesses, other than in the course of official duty, an official list or a list compiled from official sources, published or disclosed in violation of this section, of persons who have applied for or who have been granted any form of public assistance....., is guilty of a misdemeanor."

(W&IC 118)

(a)

Portions of this section not relevant to changes are being omitted from this agenda.

(a) To incorporate the provisions of AB 2695, adding to W&IC118.

B-035, Separate Caseload: or Aid to the Blind: This section is being revised to include the requirement that any county having a caseload of 250 or more ANB and APSB recipients shall establish a special bureau. In general, caseloads of between 100 and 150 recipients of Aid to the Blind are recommended. The amended rule provides that workers in the bureau for the blind shall confine their activities to Aid to the Blind with certain exceptions -- (1) such workers may also serve other members of the blind person's household who are applicants or recipients of another category; (2) in isolated geographical locations or the presence of recipients of other categories in the same household exceptions are desirable in the interest of efficient and economical administration; (3) applications for Aid to the Blind processed by a special intake unit shall be transferred to the bureau of the blind when aid has been granted after which the Aid to the Blind worker will call on the recipient within three months from the date aid begins.

The amendment to the law encourages the employment of properly trained and qualified blind persons to administer Aid to the Blind laws.

B-035 SEPARATE CASELOADS FOR AID TO THE BLIND
(Rev.)

B-035

Any county which has a caseload of ~~150~~ 250 or more recipients of ANB and APSB ~~may~~ shall establish a special bureau to be devoted exclusively to the administration of Aid to the Blind.

(a)

The creation of separate caseloads for the blind recognizes the principle expressed in the Welfare and Institutions Code "that the needs of blind persons may be different from the needs of aged persons." (W&IC 3002) It is also a recognition of the basic objectives of the laws granting aid to the blind. These objectives require counseling and guidance toward a goal of self-support, encouragement in plans for rehabilitation, and assistance in making physical, social, and economic adjustments to blindness. They require an understanding of the total personality of the individual.

These objectives can more readily be achieved by means of separate and smaller caseloads. Smaller caseloads will facilitate individual concentration with a view of assisting the recipient to make maximum use of his potentialities in order to decrease or eliminate his dependency. Many factors, varying from county to county, influence the size of a caseload which would be feasible for effective administration. In general, caseloads consisting of between 100 and 150 recipients of Aid to the Blind are recommended. Caseloads shall be sufficiently small to permit full attainment of the purposes of the law granting Aid to the Blind.

If a Bureau for the Blind is established by a county, the workers in the bureau shall confine their activities to Aid to the Blind except that such workers may also serve other members of the blind person's household who are applicants for or recipients of another category of aid. Similarly, while the workers in the Bureau for the Blind will usually serve all recipients of ANB and APSB, exception may be made if isolated geographical location, or the presence of recipients of other categories of aid in the same household, make such exceptions desirable in the interests of efficient and economical administration. If applications for Aid to the Blind are processed by a special intake unit, granted applications shall be transferred to the Bureau for the Blind and recipients of ANB and APSB shall be visited by a worker in the Bureau within three months from the date aid begins.

(a)

Every effort should be made to employ properly trained and qualified blind persons to administer the Aid to the Blind laws. (W&IC 3079.5)

(a) To incorporate the provisions of Chapter 687, Statutes of 1951 (AB 449), amending W&IC 3079.5.

~~B-220, Change from One Form of Aid to Another: This section is being amended to include the provision that an applicant or recipient of ANC may apply for ANB or APSB or vice versa but aid may not be granted under both the ANB and APSB and ANC laws at the same time. This provision has always been true with regard to OAS and ANB and APSB, however, the new law makes it also applicable to ANC.~~

~~Another change in this section is the provision that a person receiving APSB may change to ANB at any time. Heretofore it had been necessary for a recipient of APSB to wait one year from the date his application was filed before being transferred to ANB.~~

B-220 CHANGE FROM ONE FORM OF AID TO ANOTHER
(Rev.)

B-220

An applicant for or recipient of OAS or ANC may apply for ANB or APSB or vice versa, and if eligible, aid shall be granted. Aid shall not be received under the ANB or APSB law while aid under the OAS or ANC law is being received and vice versa; i.e., aid shall be discontinued in OAS or ANC as of the day preceding the date on which ANB or APSB, begins or vice versa.

(a)

A person who is receiving APSB may ~~not~~ change to ANB ~~until one full year from the date on which his application was filed,~~ at any time. A person receiving ANB may change to APSB at any time.

If aid is changed from one category to another every possible effort should be made to the end that, whenever possible, no interruption in the receipt of aid occurs; neither shall there be overlapping of the date of discontinuing one aid and the date of beginning the other aid.

A recipient of APSB shall be transferred to ANB if the county is not satisfied that he has an adequate plan for self-support or is not making a sufficiently sincere and sustained effort toward self-support. Similarly, an ANB recipient shall be transferred to APSB if he meets the eligibility requirements therefor, and provided he requests the transfer either orally or in writing. The request for transfer shall be recorded in the county file. It is not necessary for the county to complete a new application or Certificate of Eligibility when a transfer from one chapter of Aid to the Blind to the other is effected. Notice of Change is used for this purpose.

The recipient need only be required to furnish information concerning those items which will require additional verification to determine his eligibility for the aid requested.

If a determination is due at the time of the transfer from ANB to APSB, or vice versa, full information shall be secured and the Recipient's Affirmation of Eligibility (Form Bl 206) shall be completed by the recipient. (See Sec. B-624, Beginning Date of Aid) (W&IC 3045, 3075, 3083.3, 3083.5, 3445, 3460, 3471.5, 3473)

(a) To incorporate the changes of SB 735.

~~B-607, Aid for Recipient Only: This is a new section to be incorporated in the chapter on Aid Payments to give effect to the provision of AB 445 (Chapter 1097). Chapter 1097 amends Section 3003 and 3402 of the W&IC to provide that ANB or APSB granted an individual shall not be construed as benefitting any other person, including any who are living in the same household with the recipient.~~

B-607 AID FOR RECIPIENT ONLY
(New)

B-607

The total amount of ANB or APSB granted, including exempt income, is intended to help meet the individual needs of the ANB or APSB recipient. Such aid and exempt income shall not be construed as benefitting any other person, including any who are living in the same household with the recipient, and no portion of the aid granted or the exempt income shall be construed as income to any other person. (W&IC 3003, 3402, 3084.3, 3472)

An eye examination by a duly licensed and practicing physician, skilled in diseases of the eye, or a duly licensed and practicing optometrist, is required by law to establish eligibility and continuance of eligibility. (See Sec. B-264, Neuropsychiatric Examinations)

A. Examinations by Authorized Physicians or Optometrists

All examinations to establish degree of blindness must be made by the physicians or optometrists authorized by the SDSW. Unless specific authorization is obtained from the SDSW, eye examinations shall be made only by a physician whose name appears in Sec. B-282, List of Authorized Physicians for Eye Examinations, or by an optometrist whose name appears in Sec. B-283, List of Authorized Optometrists for Eye Examinations. If there are no physicians or optometrists on the ~~list~~ lists practicing in the county in which the individual lives, the nearest authorized examiner shall be used. ~~When more than one physician is~~ If both physicians and optometrists are available, the individual shall have a choice of the physician or optometrist who is to make the eye examination.

(a)

B. Reports in Writing and from Clinics

Two copies of the report of the eye examination shall be completed in writing over the signature of the physician or optometrist who made the examination. The form of the report, ~~Physician's~~ Report of Eye Examination, Form Bl 227 and Bl 227A, is prescribed by the SDSW. Reports of examinations from clinics cannot be accepted unless the physician or optometrist who made the examination and signed the report is one on the ~~list~~ lists of authorized examiners.

(b)

C. Out of State Examinations

Out of state physicians or optometrists who have been authorized by the SDSW to make eye examinations appear at the end of the ~~list~~ lists, and individuals may be referred to them for eye examinations when they are the nearest examiners available. The names and addresses of physicians or optometrists not on the list who can be authorized to make examinations for persons visiting out of state may be obtained by writing to the SDSW. The individual's out-of-state address must be included in the letter. (W&IC 3075, 3083, 3460, 3471)

(a)

(a) To incorporate provisions of SB1217.

(b) To provide that physician shall make reports in duplicate.

All reports of eye examinations and of neuropsychiatric examinations shall be acted upon by the SDSW. (See Sec. B-264, Neuropsychiatric Examinations.) This provision for the review of reports is to assist the county in determination of eligibility on degree of blindness. The review avoids payment to persons whose eye and/or neuropsychiatric examinations indicate that their degree of visual impairment does not come within the definition of blindness.

A. Submission of Reports to SDSW

When the examining physician or optometrist returns the completed Physician's Report of Eye Examination, Form Bl 227 or Bl 227A, the county shall immediately submit it in duplicate to SDSW, Division for the Blind, 145 South Spring St., Los Angeles 12, for review by the State Ophthalmologist.

(a)

(b)

B. Notification to County of Results of Review

After the SDSW review, the county will be notified immediately on Form Bl 263, Notice of Findings and Action on Physician's Report of Eye Examination, as to the eligibility status on degree of blindness and the need for future examinations. Form Bl 263 will be accompanied by one copy of Form Bl 227 or Bl 227A, Report of Eye Examination. ~~sufficient evidence of degree of blindness on which to take~~ After action has been taken according to the findings indicated thereon, Forms Bl 227 (or Bl 227A) and Bl 263 shall be filed in the case record.

(b)

~~Form Bl 227 will be retained by the SDSW until a photostatic copy has been made, after which it will be returned to the county for filing in the case record. (W&IC 3075, 3460)~~

(a) To incorporate provisions of SB1217.

(b) To require counties to submit Bl 227 in duplicate.

The required annual redetermination of a recipient's eligibility for continuance of aid includes a re-examination of the eyes, unless the SDSW had previously indicated on Form Bl 263 that such re-examination is not necessary. (See Sec. B-252, SDSW Review of Examination Reports.) The examination shall be made by a physician or optometrist on the authorized ~~list~~ lists who had not previously examined the recipient, when there is more than one examiner on such list within a reasonable distance. The report of the examination shall be immediately submitted in duplicate to SDSW for review and ~~findings~~ determination as to eligibility on the basis of degree of blindness, in accord with Sec. B-252.

(a)

(b)

If a re-examination is indicated for a person who is bedfast, such re-examination is required even though it may be necessary to delay it because of the illness or other condition. Permission must be obtained from the SDSW before such delay is authorized.

If a physician or optometrist states that an individual has had both eyes removed (bilateral enucleation), the county shall so notify the SDSW, and no further examination is required.

(a)

If one or more of the following conditions exist, a re-examination of the eyes is required, even though the SDSW had previously notified the county that a re-examination was not necessary:

1. The recipient has had an eye operation. The eye examination following eye surgery shall be made within not less than 90 days or more than 120 days from the date of the surgery, unless permission for delay is obtained from the SDSW. (When surgery is performed under the Prevention of Blindness Program, the SDSW will assume responsibility for obtaining a post-operative report of eye examination and forwarding the findings to the county.)
2. There are facts to indicate that the recipient's vision has improved or is better than shown by the eye examination report.
3. There are facts to indicate the recipient is malingering so far as vision is concerned.
4. Aid has been discontinued for one year or more.

In any of these instances the county may write to the SDSW outlining the situation and requesting a decision regarding the necessity for a current eye examination. (W&IC 3075, 3083, 3460, 3471)

- (a) To incorporate provisions of SB1217.
- (b) To require counties to submit Bl 227 in duplicate.

If an applicant ~~is-dissatisfied~~ expresses dissatisfaction with the ~~physician's~~ report of eye examination, ~~he-may-submit-a-report-of~~ arrange-
ments shall be made for another eye examination made at his-own county
expense by another physician or optometrist on the authorized list lists
of examiners. If the report of the second examination indicates that the
applicant comes within the definition of blindness, a third examination by
~~a-physician an examiner~~ designated by the SDSW shall be authorized at
county expense. This ~~physician~~ examiner will be provided with copies of
the two conflicting reports, with the exception of the names of the
~~physicians-~~ examiners. Eligibility as to degree of blindness shall be
determined on the basis of the two reports which agree.

(a)

(b)

The State Ophthalmologist shall have the privilege of examining the
applicant and recommending final action on the basis of all available infor-
mation. (See Sec. B-261, Appeals on Degree of Blindness.)

- (a) To provide for additional eye examination at county expense.
- (b) To incorporate provisions of SB1217.

If the SDSW review of a current Physician's Report of an Eye Examination, Form Bl 227 or Bl 227A raises a question regarding the eligibility of a recipient, the county will be notified on Form Bl 263, Notice of Findings and Action on Physician's Report of Eye Examination. Additional reports will be required and the county shall follow this procedure regarding continuance of aid, pending final determination as to eligibility on the basis of degree of blindness:

(a)

Withholding and/or Discontinuance of Aid

1. Upon receipt of Form Bl 263, the warrant for the coming month shall be issued in the usual manner, but delivery withheld, though not beyond the month for which it is drawn.

The recipient shall be notified immediately that continued eligibility is questioned, and arrangements shall be made as soon as possible for another examination by one of the authorized examiners, if he desires to have the additional examination.

If the recipient appears to be eligible for another form of aid, an application for such aid should be taken as soon as possible following the withholding of the warrant. This is designed to avoid possible loss of aid to the individual if his eligibility on the degree of blindness is not established.

2. The submission of Form Bl 227 or Bl 227A from another physician or optometrist may be dependent upon factors such as health condition of the recipient, proximity to a qualified examiner, etc. If such conditions exist and a Form-BI-227 Report of Eye Examination is not submitted prior to the end of the month for which the warrant is being held, the withheld warrant shall be released, provided it is delivered before the end of the month for which it is drawn. A second and final notice shall be sent to the recipient with the released warrant advising that further payment will not be made unless eligibility is immediately cleared.

(a)

3. If the Physician's report of eye examination from another physician examiner is considered by the SDSW to be in conflict with the one which raised a question regarding continued eligibility, the withheld warrant shall be released, provided it is delivered before the end of the month for which it is drawn. An examination by a third physician examiner shall be authorized in order that a decision may be made on the basis of the two reports which agree. The SDSW shall have the right to designate the physician examiner who is to make the examination to resolve the conflict.

(Section Continued on Next Page)

(a) To incorporate the provisions of SB 1217.

4. If a ~~Physician's~~ report of eye examination is submitted by a recipient prior to the end of the month for which the warrant is being held and the findings of the ~~physician~~ examiner are in agreement with those which raised question with regard to continued eligibility, the withheld warrant shall be canceled. Aid shall be discontinued as of the last day of the month preceding that for which the warrant is canceled. (a)
5. Upon the release of the warrant which was withheld because eligibility was questioned, the warrant for the next or second month shall be issued and its delivery withheld, but not beyond the end of the month for which it is drawn.
6. If the ~~physician's~~ report of the third eye examination establishes eligibility, the withheld warrant shall be delivered to the recipient before the end of the month for which it is drawn and aid shall be continued in the amount to which the recipient is eligible. (a)
7. If the ~~physician's~~ report of the third eye examination establishes ineligibility, or if eligibility is not determined by the end of the second month for which delivery of the warrant was withheld, the warrant shall be canceled and aid discontinued, effective with the last day of the month preceding that for which the warrant was canceled. (W&IC 3083.1 and 3462.1)

Under no circumstances shall warrants for more than two months be issued and withheld pending clearance of eligibility.

If the recipient is dissatisfied with the report of a physician or optometrist, he may submit a report of another examination made at his own expense by another ~~physician~~ examiner on the authorized lists. (a)

The State Ophthalmologist shall have the privilege of examining the recipient and recommending final action on the basis of all available information. (W&IC 3075, 3083, 3460, 3471)

(a) To incorporate the provisions of SB 1217.

An individual who is dissatisfied with the physician's report as to degree of blindness has the right to appeal for a fair hearing. On appeals based on degree of blindness, arrangements shall be made for another eye examination at county expense by a physician or optometrist on the authorized lists who had previously not examined the individual. If the report of this examination indicates that the individual does come within the definition of blindness, a third examination shall be authorized by ~~a physician~~ an examiner designated by the SDSW, and this ~~physician~~ examiner will be provided with copies of the two conflicting reports, with the exception of the names of the ~~physicians~~ examiners, since this examiner is acting in the capacity of a referee. Eligibility as to degree of blindness shall be determined on the basis of the two reports which agree.

(a)

If the State Ophthalmologist finds upon review that two of the ~~physicians'~~ examiners' reports of eye examination indicate that the person's visual impairment comes within the definition of blindness, the SDSW is authorized to recommend that aid be granted or restored without the formality of a hearing by the SSWB.

If the individual appeals on the basis of two adverse reports, he may submit at his own expense additional reports of eye examinations made by physicians or optometrists on the authorized lists, and these reports will be presented on the hearing of the appeal.

(a)

The State Ophthalmologist shall have the privilege of examining the individual prior to the hearing of an appeal by the SSWB. If he refuses to submit to the examination or is inaccessible for it, the hearing will be on the basis of the reports already submitted. (W&IC 3075, 3078, 3086, 3087.5, 3088.5, 3089, 3460, 3473, 3473.2, 3474.5)

(a) To incorporate the provisions of SB 1217

If a physician ~~skilled-in-diseases-of-the-eye~~ or an optometrist is unable to determine a definite visual acuity, or questions the degree of loss of vision claimed by the applicant or recipient, a second eye examination shall be made by ~~another~~ an eye physician examiner who is skilled in detecting pathology. If the second ~~physician~~ examiner recommends a neuropsychiatric examination, the SDSW will designate a neuropsychiatrist and authorize an examination by him. A neuropsychiatric examination may be necessary to establish eligibility on degree of blindness if:

(a)

1. There is no reported visual acuity,
2. There is absence of pathology, or
3. A diagnosis shows only photophobia, blepharospasm, ptosis, senility, mental aberrations, hysterical blindness, or neurological lesions.

In these instances, the neuropsychiatric report must show involvement of the visual tracts or a psychiatric condition which results in little or no available vision for the individual.

If a neuropsychiatric examination is necessary, the SDSW will notify the county and request that the right of the individual to such an examination be discussed with him. It is the responsibility of the county to advise the SDSW of the individual's decision. If the individual wishes the examination, the county will make the appointment with the neuropsychiatrist, and the SDSW will send the necessary instructions to him. (W&IC 3075, 3083, 3460, 3471)

(a) To incorporate provisions of SB 1217

Aid shall not be granted if the eye and/or neuropsychiatric examination report indicates that the individual is so mentally incompetent that he cannot cooperate with the physician or optometrist who makes the examination, or (if the examination has been made by a physician) when sufficient eye, neurological, or psychiatric pathology is not found to account for the loss of vision claimed. If the examining physician reports sufficient pathology to account for the blindness, an estimate of visual acuity by the examiner may be accepted, if the mental condition of the individual prevents cooperation with the examining physician. (W&IC 3075, 3083, 3460, 3471)

(a)

(a) To incorporate provisions of SB 1217

Aid shall not be granted on the basis of an eye and/or neuropsychiatric report in which the examining physician or optometrist states in effect that he believes the patient is malingering. (W&IC 3075, 3083, 3460, 3471) (a)

(a) To incorporate provisions of SB 1217

An eye examination in the home of the individual may be authorized by the county only when it has obtained a statement from the attending physician or, if there is no attending physician, a statement from the social worker, that it would constitute a physical or mental hazard for the person to be transported to the office of the examiner. Such a statement shall accompany the ~~Physician's~~ Report of Eye Examination, Form B1 227 or B1 227 A, submitted to the SDSW. (See Sec. B-756, Federal Participation in Administrative Costs.) (W&IC 3075, 3460)

(a)

(a) New form for optometrist

No person shall be required to pay any part of the cost of an eye examination that is required by the SDSW in connection with his application for or continued receipt of aid. The cost of any examination required by the SDSW for the purpose of determining degree of blindness shall be paid by the county in the same manner as other expenses of the county are paid. The maximum fee which is considered proper county administrative expenses for each eye examination by a physician skilled in diseases of the eye, is \$10.

The maximum fee which is considered proper county administrative expense for each eye examination by an optometrist is \$7.50.

(a)

A reasonable fee for a neuropsychiatric examination when required may be considered an allowable county administrative expense. (See Sec. B-264, Neuropsychiatric Examinations.)

Necessary transportation expenses within the county for eye examinations by a physician or optometrist on the lists, or outside the county ~~when~~ there is no physician or optometrist so listed for that county, are allowable, and in ANB, are subject to federal reimbursement. (See Sec. B-756, Federal Participation in Administrative Costs.) (W&IC 3075, 3083, 3083.1, 3460, 3462.1, 3471)

(a) To incorporate provisions of SB 1217

There is no state participation in administrative costs

Federal participation in county administrative costs is claimed on the basis of one-half of the actually incurred costs of administration for:

- a. Aid to Needy Blind cases and
- b. Recognized services reasonably related to the ANB program.

Expenditures for ~~Eye~~ Examinations
ANB only

Federal participation may be claimed for cost of required ~~eye~~^{or neuropsychiatric} examinations for ANB.

Necessary expenses to the county ^{the} for transporting an applicant for or recipient of ANB to obtain the required ~~eye~~ examination are administrative expenses subject to federal reimbursement provided:

1. The applicant or recipient is not financially able to meet such costs, and
2. There is no accessible ophthalmologist or optometrist on the panel or no neuropsychiatrist in the county and the person must be transported to another county or state, or
3. Transportation to another county or state is necessary for examination by an ophthalmologist or optometrist who had not previously examined the person, or
4. The distance to the nearest accessible ophthalmologist or optometrist on the panel or neuropsychiatrist in the county is great and transportation to his office is necessary, or
5. The blind person is bedfast and the cost of transportation of the ophthalmologist, optometrist or neuropsychiatrist to the home of the blind person is incurred by the county, or
6. The blind person requires an attendant to accompany him to the examiner's office. (W&IC 3075, 3087, FSS-Admin.)

(a)

(a) To incorporate the provisions of SB 1217.

~~B-772~~ ~~ELIGIBILITY FOR PREVENTION OF BLINDNESS~~

~~The purpose of this revision is to enable the Department to provide eye-care service under its Prevention of Blindness program to a blind person who might be ineligible for aid, such as a resident of the State Training Center for Adult Blind, but for whom restoration of vision would constitute a sound social and economic investment.~~

B-772 ELIGIBILITY FOR PREVENTION OF BLINDNESS
(Rev.) ANB

B-772

A person is eligible for eye care under the program if his eye condition is such that treatment or operation may either restore vision or prevent further loss of sight as determined by the Advisory Committee of Ophthalmologists, or a physician designated by that committee, and ~~when~~ *if*:

1. His age, physical, and mental condition will make eye care profitable to him;
2. He is neither receiving eye care from any physician, clinic, or hospital, public or private, nor made prior commitments to any surgeon or institution (unless a signed release is presented);
3. He is a recipient of ANB or APSB;
4. He is an applicant for ANB or APSB and meets all the eligibility requirements for such aid except with respect to blindness in that the degree of vision does not have to be within the definition of economic blindness as defined in Sec. B-246, Definition of Blindness. An applicant who does not meet all of the eligibility requirements may be provided with eye care service if the SDSW finds that the circumstances are such as to justify an exception to the usual eligibility requirements. (W&IC 3051, 3075, 3460, 3462) (a)

(a) Expansion of Policy.

Provision for an administrative hearing procedure in public assistance is significant among the standards established by the public assistance titles of the Social Security Act and by the Welfare and Institutions Code. This provision helps to assure the various rights described in the Act and in the Code.

State law sets the conditions of eligibility and defines the benefits. The determination of eligibility and the payment of aid to eligible persons are then matters of due process. It is fundamental that "due process" includes free access to some form of judicial enforcement. This fact is recognized in the Welfare and Institutions Code where there is explicit and complete provision for hearing on any point of dissatisfaction and for securing court review of the SSWB decision.

In describing suitable provision for fair hearings, the Federal Social Security Administration has defined a fair hearing as "an orderly, readily available proceeding before an impartial official or panel of the state agency, in which a dissatisfied claimant of assistance or his representative may present his case, with the help of witnesses, to show why action or inaction in his case should be corrected by the state agency."

A fair hearing in Aid to the Blind calls for a new determination of the appellant's status at the time the county action was taken, based on all the evidence that can be secured, regardless of whether or not that evidence was available in the first instance. The process is not essentially different from normal eligibility determination and, in general, produces no result which cannot be achieved by regular administrative process.

Since a fair hearing considers eligibility, the amount of assistance, or some similar issue, as such, rather than the county's action, the county is not placed in the position of having to defend its action. It has, on the contrary, a duty to participate in the making of a wholly new determination. That its original determination may, incidentally, be confirmed or not is a matter of secondary importance in the appeal process.

Administrative hearings are used widely in public administration and such use has resulted in the development of certain principles of "fair" hearing. These principles have been found to be in agreement with the purposes of public assistance and adaptable to its needs. The procedural requirements for hearings, as established by the federal agency, reflect these generally accepted principles and may be summarized as follows:

1. Every applicant or recipient shall be informed fully of his right of appeal and how to obtain a fair hearing;
2. He shall be informed fully of his freedom of choice between requesting the county to review his situation for possible adjustment and requesting a hearing before the state agency;
3. Hearings shall be so arranged as to be freely available to every appellant;
4. Prompt hearing, decision and execution of decision shall be insured by an effective controlling procedure;

(Section Continued on Next Page)

5. Hearings shall be orderly but informal, not requiring the services of counsel in order to assure the appellant and the county full and fair hearing;
6. The right of principals to hear all testimony and examine all documentary evidence and to offer rebuttal shall be observed fully;
7. Decision by the state agency shall be based on the hearing record exclusively and shall include a clear statement of (1) the essential facts, (2) legal or policy provisions involved, (3) the reasoning leading to decision and (4) the results for the appellant.

The procedure being provided for use by appellants, the counties, and the SDSW seeks to give effect to these principles. The fact that required standards may thus be met is important. It is even more important that the best in proven principles be given expression in procedures.

In addition to its place in "due process", the hearing provides an important means of testing policy and procedure. It can serve, very usefully, as one means of assuring better general understanding of law and policy. For all of these reasons it is important that the effort of all concerned be directed to securing fair hearing. (W&IC 104.5, 3078, 3473.2)

B-711 DEFINITIONS

B-711

An appeal is a request, signed by an applicant or recipient, his authorized representative or legally appointed guardian, for a fair hearing of his dissatisfaction with some county action or lack of action relative to his application for or receipt of Aid to the Blind.

An appellant is one who requests a fair hearing.

A referee is ^{an impartial} hearing officer designated by the SSWB to hear and to take evidence in an appeal to the SDSW.

A fair hearing is the process whereby the appellant and the county present pertinent facts and information before a referee (or before the SSWB), which facts are then considered and weighed by the SSWB as the basis of its decision.

A stipulated appeal is one in which the appellant, the county and the SDSW stipulate the facts and recommendations and no decision by the SSWB is required. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-712 RIGHT AND SCOPE OF APPEAL

B-712

The dissatisfied applicant or recipient who has not been able to secure a satisfactory adjustment in dealing with the county has two remedies open to him at all times. He may ask the SDSW to review his situation and assist him in securing a satisfactory adjustment; or he may file an appeal with the SDSW requesting a fair hearing. Having chosen either procedure, he may change to the other at any time.

While each county should have adequate procedure for considering complaints and may be able to adjust some of them by administrative action, the dissatisfied applicant or recipient is not required to exhaust the possibilities of such procedure as a preliminary to presenting his problem to the SDSW.

(Section Continued on Next Page)

The right of appeal is personal and can be exercised only by the applicant or recipient, by his duly authorized representative or by his legally appointed guardian. It cannot be exercised on behalf of the estate of a deceased applicant or recipient.

The county shall inform every applicant for Aid to the Blind of his right of appeal. An explanation of this right shall be given at the time of application. Written notice of the right of appeal shall be included in every notification to the applicant or recipient of the granting, denial, increase, decrease, discontinuance or suspension of aid, or request for repayment.

While all applicants or recipients have the right of appeal and may request a fair hearing on any point of dissatisfaction, decision by the SSWB is limited to those matters in which the SSWB has jurisdiction. This limitation bars the SSWB from considering appeals which do not pertain to programs supervised by the SDSW, except to the extent necessary to determine whether or not the SSWB has jurisdiction.

Typical causes for appeal in Aid to the Blind are the following:

1. Appellant believes his impairment of vision constitutes blindness;
2. Aid has been denied by the county;
3. Aid has been granted in a lesser amount than that to which the appellant believes he is entitled;
4. Aid has been discontinued;
5. There is question as to the date from which aid should have been paid;
6. The county did not take an application at time of request;
7. Failure of the county to act promptly on an application;
8. Dissatisfaction with the county's request for repayment of aid;
9. The county refuses to return alleged erroneous repayment of aid;
10. Dissatisfaction exists over any other matter which concerns an application for, or receipt of, Aid to the Blind. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-714 HOW AN APPEAL IS FILED

B-714

The applicant or recipient who wishes to file an appeal does so by notifying the SDSW of his desire for a fair hearing. Request for fair hearing must be in writing and must be signed by the appellant. It may take the form of:

1. A specific statement, in letter form, that the appellant desires a fair hearing;
2. A petition requesting a fair hearing, or
3. A completed Form DPA 13, Appeal to the SDSW (provided by the SDSW).

The appellant may supplement his request for a fair hearing as he desires but it is to his advantage to have the basis of his dissatisfaction clearly set forth in advance of the hearing. This may be reported by letter or on Form DPA 14, Basis of Appeal ~~Before the Social Welfare Board~~ ^{to the Social Welfare Board} (provided by the SDSW). However,

(Section Continued on Next Page)

such statements do not take the place of appearance at the hearing since it is the opportunity to appear and be heard that is being requested. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-715 TIME LIMIT ON APPEALS

B-715

The right of appeal must be exercised within one year from the date of the county action or order which caused dissatisfaction. Since the date of county action is the determining date, an appeal must be signed before the anniversary date of the county action. For example:

1. In appeals for the return of erroneous repayments the date of collection or the date of the last installment payment is the determining date.
2. In appeals from demand for repayment the date of the ^{last} demand or the date agreement to repay was signed or a lien taken, whichever is later, is the determining date.
3. In appeals involving amount of the grant, for example, a decrease in grant that has continued for more than a year, appeal may be made from deductions made during the preceding year since the granting of aid is considered a succession of monthly orders by the county.
4. In appeals from retroactive discontinuance following cancellation of suspended warrants, the date of discontinuance action is the determining date. The period involved in the appeal would extend back to the effective date of the discontinuance (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-716 APPEAL PROCEDURE - GENERAL DESCRIPTION

B-716

The SDSW notifies the county concerned when an appeal is filed. The county reviews its record as to possibility of adjustment by administrative action, eligibility on points other than the one at issue and amount of aid payable if the appeal is granted. The county submits a written summary (Basis of Action), in

the hearing, and prepares to present all available information relevant to the issue at the hearing. The county must be represented at the hearing. (See Sec. B-723, When Hearing Not Held in County Responsible for Aid, and B-719, County Responsibility in Appeals.)

In general Each applicant shall be given full explanation of (a) his rights and responsibilities in an appeal hearing and (b) how to prepare for the hearing. He shall also be given such reasonable assistance in preparation as he may require.

All hearings are held by a referee designated by the SSWB, except that the SSWB may, on its own motion and subject to conditions affecting the appellant, elect to hear specific cases directly. (See Sec. B-744, Hearing Conducted by SSWB.)

Fair hearings are set with as little delay as possible. (See Sec. B-722, Setting the Hearing.) The hearing is an orderly but informal proceeding, much in the nature of a conference. Attendance is limited to those persons who are directly concerned.

If it is not possible to conclude the hearing because additional information must be secured, the hearing is continued to a suitable later date. (See Sec. B-732, Continuance for Further Information) Similarly, in the case of non-appearance, the hearing is continued pending redetermination of the wishes of the appellant. (See Sec. B-734, Continuance Because of Non-Appearence.)

(Section Continued on Next Page)

As soon as possible following conclusion of the hearing, the referee prepares a report to be submitted to the SSWB, including formal findings in the light of law and policy and a proposed decision.

The SSWB studies the evidence developed during the hearing and renders a decision by adopting, modifying or otherwise changing the proposed decision of the referee.

Both the appellant and the county receive prompt notification of the SSWB decision. The letter of notification is accompanied by a copy of the findings and the decision adopted by the board. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-718 WITHDRAWAL OF APPEAL BEFORE DECISION

B-718

The appeal process is initiated by the appellant's request for a fair hearing and can be stopped only by his voluntary withdrawal. He may withdraw his appeal at any time before a decision is rendered by the SSWB, either because the county has made a satisfactory adjustment or for any other reason. Such withdrawal can be made only by the appellant and must be in writing. Form Gen M29, Withdrawal of Appeal (provided by the SDSW) may be used for this purpose or withdrawal may be made by letter. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-719 COUNTY RESPONSIBILITY IN APPEALS

B-719

On receipt of notification by the SDSW that an appeal has been filed, the county shall review its record immediately, in order:

1. To re-examine the action or situation cited to determine if adjustment through county administrative action is in order;
2. To determine whether the appellant is eligible on all points other than the point at issue;
3. To ascertain whether there is sufficient information on file to determine the amount of aid allowable if the appeal is granted; and
4. To determine whether additional investigation is necessary.

The county shall make any necessary additional investigation in preparation for the hearing.

Exception: If the only point at issue in an appeal is whether the claimant's visual impairment constitutes blindness, it will not be necessary to review the record for the above information, unless the appellant's visual impairment is determined to be within the definition of blindness.

The county shall then prepare and submit to the SDSW a statement, Basis of Action, and any argument that the county may wish to present. (See Sec. B-720, County Summary of Appealed Action.) This statement shall be submitted to the SDSW within 15 days of receipt of notification that appeal has been filed.

The county has continuing responsibility for maintaining contact with the appellant and shall report promptly to the SDSW, attention Central Office Appeals Section, any change in the appellant's mailing address that comes to the county's knowledge during the period that hearing and decision are pending.

In general, the county has responsibility for such preparation for, and participation in, the hearing as will facilitate a full and fair hearing. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

Within 15 days following receipt of notification that an appeal has been filed, the county shall prepare and submit to the SDSW a summary, called Basis of Action, which shall include the following:

1. A statement of the county action or actions from which appeal is made and the date of such action;
2. A complete review of the evidence on which the county action was based, including that evidence which did not support the county action as well as that which did.

The county shall also prepare and submit to the SDSW, in advance of the hearing:

1. A statement that the appellant's eligibility on points other than the point at issue has been verified; or, if ineligibility has been determined on other points, a complete statement of the information on which such determination was made;
2. A complete computation of aid allowable, month by month for the period covered by the appeal, showing how the amounts were determined. If any change affecting that computation occurs prior to the hearing, the county shall report it promptly by letter to the SDSW, together with the corrected computations. The county also shall present at the hearing any additional information required to bring such computations up to date. If the appellant's need or income is at issue, the county shall also make (and revise, if necessary, as above) any alternative computations of the amount of aid that the situation requires.

In the event that preliminary investigation by the county indicates that a longer time will be needed in order to complete the investigation and submit a report, the county may request an extension of time. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-722 SETTING THE HEARING

B-722

Responsibility for scheduling the time and place of hearing rests with the SDSW. Procedures leading to a hearing are initiated as soon as an appeal is filed. Any change of address or any information either affecting the time or place of hearing or being submitted for presentation at the hearing should be directed to the SDSW, attention Central Office Appeals Section.

1. Date of Hearing. As soon as the appellant's statement of the basis of his dissatisfaction and the county's summary (Basis of Action) are received, the SDSW shall schedule the hearing for the first available date that will permit 10-day notice to the principals. This gives the principals time in which to collect evidence or otherwise prepare for the hearing.
2. Place of Hearing. Since the place of hearing must be convenient to the appellant's home, it is generally held at the county seat of the county in which the appellant is living at the time of the hearing. If transportation presents a major problem to the appellant or if he is physically unable to undertake the trip to the county seat, the appellant may request that the hearing be held in another county, in his home community, or in his own home if he is bedridden or otherwise unable to leave his home.

The county in which the hearing is to be held shall ^{assist in} ~~be responsible for~~ arranging for a suitable hearing room when requested to do so by the SDSW. The room should be large enough to accomodate approximately 6 to 8 people and should contain a table where the referee and reporter can work. It should be in some public building, preferably in quarters

(Section Continued on Next Page)

other than those occupied by the county welfare department, and should afford privacy.

3. Notification. The appellant and the county shall have not less than 10-day's notice of the time and place of hearing. Notification shall be in writing and shall be sent by registered mail, return receipt requested.

After a hearing has been scheduled, either the appellant or the county may, by writing to the SDSW, request a postponement of the hearing. The SDSW shall then notify the other party of the request and ask for assent or dissent in writing. The request and response of the second party shall then be considered. In general, the ~~request of an appellant for~~ ^{first} postponement shall be given favorable consideration. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-723 WHEN HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID

B-723

If the hearing is to be held in a county other than the responsible county, the latter county may elect any one of the following procedures:

1. Send a county representative, with the case record, to the hearing; or
2. Include in the Basis of Action all of the information in the county's possession regarding the point at issue, both supporting and opposing the county action, together with relevant dates and any argument the county desires to make and conclude with the statement that the county rests its case on the Basis of Action.
3. Send the case record, containing all relevant information in the county's possession, to the county in which the appellant is living, with the request that the second county represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county to arrange such representation or to notify the first county of its inability to act. The first county would then, necessarily, follow one of the other two procedures. (W&IC 104.5, 3078, 3473.2)

B-725 THE REFEREE-FUNCTION AND DUTIES

B-725

The referee is a hearing officer designated by the SSWB to hear an appeal, take evidence and prepare findings for consideration by the SSWB.

In conducting the hearing the referee shall, to the fullest extent possible, strive to:

1. Reassure the appellant that he is to receive a full and fair hearing;
2. Secure full and cooperative participation by those who have information to present;
3. Define clearly the issues involved in and the period covered by the appeal;
4. Cover all relevant points of fact or argument;
5. Provide ample opportunity for principals to question testimony and examine documentary evidence;
6. Secure all available or necessary information.

To these ends, it is necessary that the referee maintain order, retain general control of the proceeding, direct the hearing to relevant points, avoid irrelevant discussions as far as possible without unduly limiting expression and generally to guide the hearing to a successful conclusion.

If sufficient information regarding the point at issue is not available at the hearing, the referee may at his discretion:

1. Continue the hearing to a later date (See Sec. B-732, Continuance for Further Information);

(Section Continued on Next Page)

2. Close the hearing but withhold his report and proposed decision (See Sec. B-730, Referee's Request for Additional Material).

The second phase of the referee's function is preparation and submission of a report to the SSWB, such report to be accompanied by a transcript of testimony. The report shall include:

1. A statement of the issues involved in, and the period covered by, the appeal;
2. Findings of fact based on the evidence;
3. Analysis of the findings in relation to law and policy;
4. A proposed decision and order.

The referee's report shall be prepared as soon as possible following conclusion of the hearing and shall be prepared with due consideration for points of law and policy. In preparing his report, the referee shall consult legal and policy authorities as necessary but he shall be fully responsible for the content of the report. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-726 FUNCTION OF PUBLIC ASSISTANCE REPRESENTATIVE

B-726

The department representative in public assistance has no responsibility for pre-hearing investigation. Usually, however, upon receiving notice that an appeal has been filed, the public assistance representative will review the county record.

The services of the public assistance representative are available to the appellant and to the county in exploring the possibility of an adjustment while the appeal is pending. The public assistance representative will also answer any questions the appellant may have regarding his appeal and will render any services the appellant may need in securing records or other information for his appeal.

The public assistance representative may attend the hearing, for the purpose of assisting the appellant, the county, and the referee. (W&IC 104.5, 3078, 3473.2)

B-728 THE HEARING - GENERAL RULES AND PROCEDURE

B-728

Attendance at a hearing shall be limited to those directly concerned, namely, the appellant and his representative and witnesses, representatives of the county, SDSW representative, the referee, and the hearing reporter. The referee shall exclude unauthorized persons from the hearing unless both principals agree to their presence. Appearance by the appellant (in person or by representative) is required at the hearing. County representation is required also. (See Sec. B-723, When Hearing Not Held in County Responsible for Aid.)

The hearing shall be conducted ^{an impartial and free} in a relatively informal manner in order to encourage free and open discussion by participants. At the same time, the referee shall control the hearing to insure that each person has the right to speak without unreasonable interruption.

A reporter shall be provided to record a verbatim report of the hearing, suitable for review by a court in the event that court review is sought. Certain formalities must, therefore, be observed in order to protect the legal rights of all concerned. The general character of the hearing shall be that of a conference rather than of a court proceeding. In conducting the hearing, the referee shall be governed by the general rules for evaluation of evidence as contained in the Manual of Policies and Procedures--Aid to the Blind. He is not bound by the strict rules of court evidence. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-730 REFEREE'S REQUEST FOR ADDITIONAL MATERIAL

B-730

If the referee feels the need of verification or documentation of unsupported statements made at the hearing, he may, at his discretion, order one or both of the principals to secure and send to him such verification or documents. He

(Section Continued on Next Page)

may then close the hearing after informing the principals that his report and recommendations will be held in abeyance pending receipt of the material requested.

Any such material shall be submitted directly to the referee. It shall be made available to both principals and they shall be given time for rebuttal before the referee submits his report. If further testimony is required because of the nature of the information submitted, the referee may request the SDSW to set a date for further hearing. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-732 CONTINUANCE FOR FURTHER INFORMATION

B-732

If the referee finds that immediately available information is not adequate and additional investigation is needed, or that there are specific items of information essential to the hearing but which cannot be obtained without some delay, he shall continue the hearing. In all such cases the interim shall be held to the shortest possible time. *The referee may continue the hearing at the request of either party.*

1. If the desired information is readily available to one or both of the principals, the referee shall, before adjourning the original hearing, set the time and place for the continued hearing at the earliest suitable date, notifying the principals that there will be no further written notice. He shall instruct one or both principals to bring the desired information to the continued hearing.
2. If the needed information is not readily available and further investigation is required, the referee shall instruct the principals to cooperate in securing the information but shall place primary responsibility upon the county for verifying and reporting the information to the SDSW, attention Central Office Appeals Section. The referee shall continue the hearing, and so notify the SDSW, attention Central Office Appeals Section, but shall set no time or place for the continued hearing. When the required investigation has been completed and reported, the SDSW shall set a date for the continued hearing, giving notice in the usual fashion. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-734 CONTINUANCE BECAUSE OF NON-APPEARANCE

B-734

If the appellant, or his duly authorized representative, fails to appear at the time and place set for hearing, the referee shall continue the hearing and refer it to the SDSW, attention Central Office Appeals Section. The SDSW shall inquire of the appellant as to his wishes regarding his appeal and shall set a new date for the hearing if the appellant wishes to continue.

If the appellant, or his authorized representative, having received due notice fails to appear a second time without adequate reason, the referee shall consider the appeal abandoned and shall recommend to the SSWB that the appeal be dismissed. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-735 DECISION BY STATE SOCIAL WELFARE BOARD

B-735

Referee reports are considered at the regular monthly meetings of the SSWB.

In rendering a decision, the SSWB considers only the evidence secured through the hearing. Upon the basis of this information and in the light of relevant law and policy the SSWB renders a decision.

If the appeal is granted the SSWB orders payment of Aid to the Blind in specific amounts for a specific period. (W&IC 104.5, 3075, 3078, 3086, 3460, 3473.2, 3474.5)

B-737 NOTICE OF DECISION BY STATE SOCIAL WELFARE BOARD

B-737

Within 10 days after the SSWB decision is rendered, the SDSW will mail notification of the SSWB decision to the appellant, the chairman of the county board of supervisors, the county auditor, and the county welfare department. The

(Section Continued on Next Page)

letter of notification ~~will~~ be accompanied by a copy of ~~the~~ findings of fact and decision as adopted by the SSWB. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

B-739 STIPULATED APPEALS

B-739

There are some appeals which the county cannot adjust by administrative action alone, even though the county is willing to make the adjustment. Such appeals include ones involving retroactive restorations. (See Sec. B-624, Beginning Date of Aid and Sec. B-630, Retroactive Aid Payments.) Also included are appeals which were signed within one year of the county action complained of but not adjusted within that period, and appeals involving degree of blindness.

Under such circumstances, the county presents the facts to the SDSW or the SDSW presents the facts to the county on degree of blindness appeals and requests concurrence in their recommendations. If the SDSW or the county concurs the county is authorized to make the adjustment. When an adjustment satisfactory to the appellant has been made he is asked to withdraw his appeal. (W&IC 104.5, 3075, 3460, 3078, 3473.2)

B-740 COUNTY RESPONSIBILITY AFTER STATE SOCIAL WELFARE BOARD DECISION

B-740

The county shall pay the appellant the amount of aid awarded by the SSWB or carry out any other order of the SSWB directed to the county in giving effect to the decision.

If there is a change in the appellant's circumstances after the period covered by the SSWB decision, the usual procedures are followed without further referral to the SSWB unless a new basis for appeal arises. (W&IC 104.5, 104.6, 3075, 3078, 3086, 3089, 3460, 3473, 3473.2)

B-742 DEGREE OF BLINDNESS APPEALS

B-742

See B-258, Procedure When Applicant Questions Decision on Degree of Blindness, and B-261, Appeals on Degree of Blindness. (W&IC 104.5, 3078, 3473.2)

B-744 HEARING CONDUCTED BY STATE SOCIAL WELFARE BOARD

B-744

All hearings shall be heard by referee except that the SSWB, on its own motion, may elect to hear any specific appeal, subject to the condition that the availability of the hearing to the appellant must not be limited by this action of the SSWB.

If the SSWB elects to conduct a hearing, dispensing with the services of a referee, the procedure shall be the same as for hearing by referee. There will be no reinvestigation by SDSW staff except on degree of blindness appeals, other than that done normally for supervisory purposes. The appellant may appear in person or by authorized representative but appearance by both appellant and county is required. (W&IC 104.5, 3075, 3078, 3460, 3473.2)

(or his authorized representative)

B-746 RE-HEARING

B-746

After decision by the SSWB, an appellant or a county, believing that all pertinent factors were not presented or considered at the hearing, may request a re-hearing. The request, a statement of the reasons therefor and any additional evidence, shall be submitted to the SDSW for presentation to the SSWB. A re-hearing, if granted, must be held within six months after the original order or decision. It is important, therefore, that any request for re-hearing be filed in time to permit consideration of the request and the holding of the re-hearing, if granted, within the statutory six-month limit.

The SSWB may order re-hearing on its own motion or on application of any interested party. (W&IC 104.5, 3075, 3078, 3086, 3089, 3460, 3473, 3473.2)

B-748 COURT REVIEW OF STATE SOCIAL WELFARE BOARD DECISION

B-748

If the appellant is dissatisfied with any decision of the SSWB, he may file, with the Superior Court of the county in which he resides, a petition praying for a review of the entire proceedings in the matter, upon questions of law involved in

(Section Continued on Next Page)

the case. On and after September 22, 1951, such petition shall be filed within one year from the date of the SSWB decision with which he is dissatisfied. The SSWB shall be sole respondent in such proceedings. If the court, when deciding in favor of the appellant, makes a finding as to attorney's fees and costs, such fees and costs shall be paid by the state as indicated by the court's ruling.

No filing fee shall be required from an appellant for the filing of a petition in the Superior Court for a review of the proceedings in his case, nor shall a bond be required in the case of any petition for review, nor in any appeal therefrom. If the decision of the court is in favor of the appellant, aid shall be paid from the first of the month following date of application therefor, and the appellant shall be entitled to reasonable attorney's fees and costs.

Either the appellant or the SSWB may appeal the Superior Court's decision.
(W&IC 104.5, 3075, 3078, 3086.1, 3088.5, 3460, 3473.1, 3473.2, 3474.5)

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C. J. Achouland
(Signature)

Director
(Title)

7-31-57
(Date)

~~Absence from State (see explanation on page 16)~~

C-270 STATE RESIDENCE REQUIREMENTS
(Rev.)

C-270

A child shall be considered eligible for ANC with respect to residence, if:

1. He was born in California, or
2. He has been physically present in California for one year immediately preceding the date of application, or
3. His parent or parents have resided in California for a period of one year immediately preceding the date of application. (Residence of a parent ends with a parent's death.), or
4. His parent or other relative with whom he is living has resided in California for one year immediately preceding his birth and he was born within one year immediately preceding the date of application.

(a)

A child receiving assistance who leaves California and whose residence is changed to another state at the time of departure by his parent or by the person responsible for his care is immediately ineligible for assistance. If such a child, not born in California, returns to the state during the following month and assistance is restored during that month so that monthly payments do not cease, the child's residence shall be considered to have continued without interruption if (1) the parent returns with the child with intent to reside in California, or (2) the child has been physically present in the state for one year including the period of absence. If such a child does not return to the state in time so that it is administratively possible for assistance to be restored in the following month, he remains ineligible until one year's residence has been established either by physical presence or by the parents' residence. A child born in California who leaves the state is eligible for assistance with respect to residence immediately upon his return to the state regardless of the residence of his parents or the period of his physical presence in the state.

(b)

Dependency or receipt of assistance through any county in California is irrelevant in determining residence for purposes of ANC.

No period of county residence prior to application is required for eligibility but is essential to county participation in assistance payments as provided in Secs. C-400 through C-415. (WIC 1525, 1560)

- (a) To incorporate the provisions of Chapter 1350, Statutes of 1951 (SB 957).
- (b) Not new policy - this material taken out of Secs. C-276, C-279 and C-282.

FILED

In the Office of the Secretary of State
of the State of California

JUL 31 1951

At _____ o'clock _____ M.

FRANK M. JORDAN, Secretary of State

By John G. Sargent
Deputy

If a child is born in California, no period of residence prior to application is required. He is eligible with respect to residence if he is in California, regardless of the residence of his parents. (W&IC 1525, 1560)

Example: . . The mother of a child born in California is deceased. . . His father lives in Ohio and . . never has been in California. . . The child has lived with his grandmother in California . . since 2/14/48. . . If he is otherwise eligible, he qualifies for assistance on 2/14/48, as . . he has state residence for purposes of ANC by reason of California birth.

If a child born in California receiving ANC has a parent whose residence is in California, the child may be temporarily absent from the state, with or without the parent, and, if he remains otherwise eligible, assistance shall be continued as long as the parent retains California residence by act or intent.

If a child born in California receiving ANC does not have a parent whose residence is in California, the child may be temporarily absent from the state, and, if he remains otherwise eligible, assistance shall be continued as long as the parent or person responsible for the child has intent for the child to return to California. (a)

If a child born in California leaves the state and loses his state residence by the intent of his parent to establish residence elsewhere, he becomes ineligible immediately.

A child born in California who leaves the state is eligible for restoration of assistance immediately upon his return to the state, if otherwise eligible. (W&IC 1525, 1560)

(a) Revisions to incorporate the provisions of Chapter 1095, Statutes of 1951 (SB 1587) have been written into other sections presented in this agenda.

If a child not born in California has been physically present in the state throughout the year immediately preceding application and remains here, he is eligible with respect to residence regardless of the residence of his parents.
(W&IC 1525, 1560)

Example 1: A child was born out of the state and continued to live out of the state. His last surviving parent died on 5/20/48 after residing in California for four years. The child came to California on 6/22/48 and has lived with his grandmother since that date. If he were otherwise eligible, he would qualify for ANC on 6/22/49 when he had been physically present in the state for one year. (Residence of a parent ends with the parent's death.)

Example 2: A child born out of the state who continued to live outside the state joined his father in California on 6/18/49. The father had resided in California for 4 years. The father died on 8/17/49. Application was not filed prior to the father's death. Therefore the child would not qualify for ANC on the basis of state residence until 6/18/50 when he will have been physically present in the state for 1 year.

Example 3: The father of two children born out of state is deceased. The mother brought them to California in 1947, leaving them with her aunt. The mother has lived in Arizona since 1947. An application for ANC is filed on 1/15/49. The children, if otherwise eligible, qualify on the basis of their physical presence in California for one year immediately preceding the date of application.

Example 4: A child whose parents have residence elsewhere has lived with an aunt in California for two years. ANC was granted on the basis of physical presence of the child in the state. The parents come to California without intent to establish residence and the child then lives with them. If otherwise eligible, the child continues to be eligible for ANC on the basis of physical presence, although he is with his parents who retain residence elsewhere.

A child receiving assistance who meets the residence requirements solely by his physical presence in California may be temporarily absent from the state, and if he remains otherwise eligible, assistance shall be continued as long as the parent or person responsible for the child has intent for the child to return to California. (W&IC 1525, 1560).

(a) Revisions to incorporate the provisions of Chapter 1095, Statutes of 1951, (SB 1587) have been written into other sections presented in this agenda.

(Rev.)

If a parent of a child not born in California has resided in the state for a period of one year immediately preceding the date of application, the child is eligible with respect to residence regardless of the subsequent death of the parent after the date of application. Absence of the child from California during this period would have no effect on eligibility if the child is in the state when assistance is granted.

Example 1: Four children born out of the state were living in Arizona with their parents. Their father died on 5/6/48. The mother came to California and established residence here on 8/17/48, bringing two of the children. On 4/7/49, the other two children joined the mother. The state residence requirement for all four children is completed on 8/17/49, when the mother has resided in California for one year.

Example 2: A child born outside California came to live with his father in the state on 6/18/48. The father had resided in California for four years. Application was signed on 8/17/48. Before the application was approved, the father died on 9/5/48. Since the application was signed prior to the father's death and the father had resided in the state for one year immediately preceding the date of application, the child is eligible for ANG immediately with respect to residence. (a)

Absence of a parent or both parents from California without loss of state residence during the year immediately preceding application would have no effect on eligibility if the child is in California when assistance is granted.

Assistance shall not be denied solely because a child or the parents received assistance from another state while physically present in this state if information indicates the parent's intent to reside in California. If residence in another state is a condition to the granting or continuance of assistance, this may indicate an intent on the part of the parent to retain residence in that state. However, other evidence may indicate intent of the parent to establish residence in this state. If the child was physically present in the state during the year, receipt of assistance would have no effect on eligibility since intent is irrelevant if residence is based on the child's physical presence. (See Sec. C-279, State Residence Requirements Met by Child's Physical Presence in California)

If the parents leave the state with intent to reside elsewhere, leaving the child in the state, the child who has not been physically present in the state for one year and who was not born in the state becomes ineligible for assistance immediately. Such a child would remain ineligible until one year of residence by physical presence has been established. (a)

If one or both parents and the child receiving assistance move out of the state with the intention of establishing residence elsewhere, the child is immediately ineligible for assistance. The parent's California residence is lost at the moment that, by act and intent, he gains residence elsewhere. However, if the child returns to the state with his parent during the following month and assistance is restored during that month so that monthly payments do not cease, the residence of the parent (if he intends to reside in California) shall be considered to have continued without interruption. Or, if the child returns to the state without his parent during the following month and assistance is restored during that month so that monthly payments do not cease, his physical presence in the state (if he has been physically present in the state for one year including the period of absence)

(Section Continued on Next Page)

(a) Revisions to incorporate the provisions of Chapter 1095, Statutes of 1951 (SB 1587) have been written into other sections presented in this agenda.

shall be considered to have continued without interruption. . . . If the child or parent does not return to the state in time so that it is administratively possible for assistance to be restored in the following month, he remains ineligible until (a) one year's residence has been reestablished either by physical presence or by the parent's residence.

If one or both parents and the child receiving ANC, or the child alone, are temporarily absent from the state, assistance shall be continued during the absence as long as the child remains otherwise eligible.

If paternity of an illegitimate unmarried minor child has been established, state residence for the child may be established by the father's residence in the state. (W&IC 1525, 1560)

(a) Revisions to incorporate the provisions of Chapter 1095, Statutes of 1951 (SB 1587) have been written into other sections presented in this agenda.

Temporary Absence from the State for Less than One Year

A child receiving assistance may be temporarily absent from the state and if he remains otherwise eligible, assistance shall be continued as long as the parent or person responsible for the care of the child has intent for the child to return to California.

Continued Absence from the State for One Year or Longer

The continued absence from the state for a period of one year or longer of a child receiving assistance shall be prima facie evidence of intent to change residence to a place outside the state. The county granting assistance shall make inquiry from the parent or person responsible for the child's care as to his intent for the child to remain a resident of California. If it is established that the child is no longer a resident of this state, assistance shall be discontinued immediately. However, if it is determined that the parent has retained California residence, or the person responsible for the child has intent for the child to return to California, assistance shall continue so long as the child remains otherwise eligible. (W&IC 103.4, 1560)

* New section to incorporate provisions of Chapter 1095, Statutes of 1951 (SB 1587)

The county shall determine that the child has residence in California.

A. CHILD BORN IN CALIFORNIA

The narrative shall include the applicant's statement of the place of birth.

If the applicant does not have complete or accurate information, or if there appears to be conflicting information, further evidence of place of birth shall be obtained. Types of evidence which are acceptable for determining age are also acceptable for determining state residence. (See Sec. C-265, Determination of Age)

B. CHILD NOT BORN IN CALIFORNIA

1. If the child's state residence is governed by his physical presence in California, the narrative shall include an oral or written statement of the person responsible for the care of the child or of any other person having knowledge that the child has been physically present in the state for one year immediately preceding the date of application. If the statement obtained does not give definite, clear, and complete information or if there is doubt regarding the child's physical presence in the state, additional evidence shall be secured. This may be in the form of reports of records or combinations of records of institutions, schools, hospitals, county welfare departments, etc., or interviews with other persons having pertinent information.
2. If the child's state residence is governed by the residence of a parent or relative in California, the narrative shall include the parent's statement of his residence and intent of residence for one year immediately preceding the date of application, or the relative's statement of his residence and his intent of residence for one year immediately preceding the birth of the child. If the parent or relative has been absent from the state during the year, his statement shall include reasons for leaving California, activities during absence, and reasons for returning to the state. If this parent's statement is not definite, clear, and complete or there is doubt regarding his residence, additional evidence shall be secured. This may be in the form of records or combinations of records covering the year's period or interviews with other persons. Some of the factors that would support the parent's or relative's statement of intent to retain California residence during periods of absence are:
 - a. Maintenance of a home in this state.
 - b. Storage of possessions in this state.
 - c. Exercise of voter's privilege; i.e., casting absentee voter's ballot in election in this state.

(a)

(Section Continued on Next Page)

- d. Return to state immediately upon termination of cause of absence.
- e. Return to state during seasons of repose.
- f. Expression of intent to retain residence in this state in correspondence with relatives, friends, or others, written prior to or during absence.
- g. Purchase of round trip ticket at the time of departure.
- h. Expression of intent, prior to departure, to neighbors, schools, church, or lodge officials.
- i. Securing non-residence hunting, fishing, or automobile permit in other state.

The fact that residence was retained by a parent shall be determined if restoration of assistance for a child is requested following discontinuance during absence from the state in order to show that the parent has retained California residence by intent.

If a child receiving assistance is absent from the state, the parent or person responsible for the child shall be required to report within a two-month period the intent of the parent or person responsible for the child with regard to the child's residence, and thereafter shall be required to inform the county of any change in intent with regard to the child's residence. The parent or person responsible for the child shall also be required to report the living arrangements in the new locality, any change in income due to the change of living plan, and the expenses of the current living plan. If the absence continues, arrangements shall be made periodically with out-of-state welfare departments to determine that the child is receiving adequate care. The county may determine the whereabouts of the payee by occasionally forwarding warrants by registered mail with return receipts requested.

The continued absence from the state for one year or longer of the child receiving assistance is prima facie evidence that California residence of the child is lost, i.e., it creates a presumption that the parent or person responsible for the child intends to abandon California residence of the child. If this presumption is not refuted by evidence to the contrary, assistance shall be discontinued.

The presumption that residence has been lost can be refuted only by positive evidence supporting the statement of the parent or person responsible for the care of the child of his intent to retain California residence. ~~A signed statement of intent shall be secured and evaluated in relation to other factors such as those listed above or correspondence indicating attempts to secure housing or to find a boarding home or to make some other living plan here, temporary inability to return, etc. Circumstances which prevent the return of the child or his parent or the person responsible for his care might include illness of one or more members of the family which would prevent travel; inability of a relative to receive him because of temporary lack of space, unsettled living plan, illness in the relatives family, etc.; lack of funds for transportation; employment which requires temporary absence; the desire of the family to be near a member who is in military service, or who is confined in a prison or committed to a public hospital; etc.~~ (W.C. 1560)

(a)

Unplaceable for Adoption

~~C-220 Requirements for Deprivation of Parental Support or Care~~

~~C-257 Definition of Deprivation Due to Relinquishment for Adoption~~

~~C-258 Determination of Deprivation Due to Relinquishment for Adoption~~

~~These sections provide that in addition to deprivation due to death, incapacity, or absence of a parent, the child relinquished for adoption is also a "needy" child under the ANC program providing he is unplaceable for adoption. These revisions of rules grow out of AB 853 which amends Section 1500 of the W&I Code.~~

C-220 REQUIREMENTS FOR DEPRIVATION OF PARENTAL SUPPORT OR CARE
(Rev.)

C-220

A child shall be considered to be eligible for ANC with respect to deprivation of parental support or care if:

1. One or both parents are dead, or
2. There is continued absence of either or both parents from the home, or
3. One or both parents are physically or mentally incapacitated.
(W&IC 1500)
4. The child has been relinquished for adoption to an adoption agency licensed by the SDSW and the agency has found the child unplaceable for adoption.

(a)

the relinquishment has been filed with the SDSW,

(a) To incorporate the provisions of AB 853

A child shall be considered deprived of parental support or care if he has been relinquished for adoption to an adoption agency licensed by the SDSW, the relinquishment has been filed with the SDSW, and the adoption agency certifies that it has found the child to be unplaceable for adoption.

(a)

Certification that a child has been found to be unplaceable for adoption by the adoption agency does not imply that that agency will discontinue its attempts to place the child for adoption. (WIC 1500)

(a) A new section to incorporate provisions of AB 853.

The county shall determine that the child has been relinquished for adoption to an adoption agency licensed by the SDSW, that the relinquishment has been filed with the SDSW, and that the adoption agency certifies that it has found, after diligent attempts to place the child, that the child is unplaceable for adoption.

(a)

The adoption agency's certification that these conditions are met is the only evidence required to establish eligibility for this factor. (WIC 1501, 1560)

(a) New section to incorporate provisions of AB 853.

Personal Property

~~C-325 Personal Property Requirements~~
~~C-327 Definition of Personal Property~~
~~C-330 Ownership of Personal Property~~
~~C-340 Determination of Personal Property~~

~~These sections are the department's new rules on personal property requirements. Life insurance is no longer exempt; neither are automobiles unless such vehicles are necessary to a program of rehabilitation for a parent or to a program for partial or total maintenance and self-support of the family. Personal property is no longer limited to cash and securities. The major policy upon which these sections are based is contained in SB 952 which amends Section 1521 and adds Section 1521.5 to the W&I Code. Senate Bill 946 (amending Section 1503) and SB 951 (adding Section 1523.5) defines when equipment and other items shall not be considered personal property.~~

C-325 PERSONAL PROPERTY REQUIREMENTS
(Rev.)

C-325

A child shall be considered eligible with respect to personal property if the value of such property ~~the cash-and-securities~~ owned by a whole orphan child or by the parents and one or more otherwise eligible children combined in one family does not exceed \$600. Even though the parents are living separate and apart, ~~the cash-and-securities~~ personal property of both parents shall be considered, except:

(a)

1. If full custody of the child has been surrendered by a parent pursuant to a court order, that parent's ~~cash-and-securities~~ personal property shall not be considered. However, if there has been no property settlement, the share of community ~~cash-and-securities~~ personal property of the parent who has custody as well as his separate ~~cash-and-securities~~ personal property, if any, shall be considered in determining eligibility. If there has been a property settlement, the property awarded the parent having custody of the child along with any other property of that parent shall be considered. Court orders for support of the child or property settlements involving income shall constitute a potential source of income, therefore, the investigation and determination of the availability thereof shall be made in accordance with Sec. C-366, Determination of Amount of Contribution from an Absent Parent.
2. If a parent has relinquished the child for adoption and the relinquishment has been filed with the SDSW, the ~~cash-and-securities~~ personal property of that parent shall not be considered.
3. If the father of the child is not married to the mother and the parents are not maintaining a home together, the property of the father shall not be considered, unless the father has legitimized the child under Sec. 230 of the Civil Code.

(a)

(a)

Each whole orphan of a group of whole orphans of one family may have ~~cash-and-securities~~ personal property valued at \$600. The parents and one otherwise eligible child or the parents and several otherwise eligible children may have combined ~~cash-and-securities~~ personal property valued at \$600. (W&IC 1521, 1560)

(a)

(a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952).

Personal property considered in determining eligibility shall be restricted to cash and securities.

A. PERSONAL PROPERTY AT THE TIME OF APPLICATION

1. Cash includes:

- a. Cash on hand.
- b. Commercial or savings accounts.
- c. Postal savings accounts.
- d. Building and loan accounts.

2. Securities include:

- a. Current net cash surrender value of insurance, excluding policies in effect five years or longer if the aggregate net value at maturity does not exceed \$1,000.
- b. Market value of stocks, bonds, notes, mortgages, deeds of trust, etc. (a)
- c. An heir's interest in an undistributed estate if the property in the estate is cash or securities and is available prior to the distribution.

B. INCREASE OF PERSONAL PROPERTY WHILE RECEIVING ASSISTANCE

1. The following shall be considered personal property immediately upon receipt and thereafter:

- a. Cash received in a lump sum from the surrender or maturing of insurance policies owned by the parents or the child.
- b. Cash received as beneficiary of an insurance policy carried by a deceased spouse, including OASI lump sum death payments received by the parent (or child if he is a married minor) as spouse of an insured worker.

(Continued on Next Page)

(a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952)

- c. . . Payments received because of judgments or settlement in lieu of a judgment or nonrecurring lump sum payments received because of compensation laws.
 - d. . . Cash or securities received by inheritance.
 - e. . . Nonrecurrent lump sum payments received from retirement or pension systems by a former member or the spouse; e.g., State Employees Retirement System, Federal Employees Retirement Fund under the U.S. Civil Service Commission, retirement plans of private corporations, etc. . .
 - f. . . Proceeds, exclusive of interest, from the conversion of personal property, such as the sale of stocks or bonds, or the sale of real property.
 - g. . . Proceeds resulting from the sale of livestock, poultry, etc., other than the increase. (a)
 - h. . . A trust, if the property is actually available in whole or in part.
2. . . Cash or securities received from any of the following sources shall be considered as income for the month received. . . The amount which remains from such income as of the first of the following month shall be considered as personal property together with other personal property holdings.
- a. . . Proceeds from farm crops
 - b. . . Commissions . . .
 - c. . . Regular periodic compensation payments, both industrial and unemployment.
 - d. . . Annual rentals for farm lands
 - e. . . Earnings of personal property such as interest or dividends
 - f. . . Cash received by eligible children as beneficiaries of an insurance policy, or by parents, except if the parent or married minor child is a beneficiary of a spouse's insurance policy.
(W&IC-1521.2; 1560)

(Continued on Next Page)

(a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952)

A. PERSONAL PROPERTY

Personal property considered in determining eligibility shall include all property that is not real property, with the following exceptions:

1. The value of essential household furniture and equipment, personal effects, and personal jewelry shall not be considered in determining eligibility with respect to personal property.
2. The value of tools, supplies, equipment, and other items which are a part of a program of rehabilitation for a parent or of a program *to assist in the* ~~for partial or total~~ maintenance and self-support of the family shall not be considered in determining eligibility with respect to personal property.

B. TYPES OF PERSONAL PROPERTY

The following includes some of the more common types of personal property to be considered:

1. Cash and Bank Accounts: The amount of cash on hand, in a bank account or safe deposit box, in postal savings, on deposit with building and loan associations, or otherwise held in a negotiable form; the market value of an interest in a defunct bank, building and loan association, etc. (a) (b)
2. Life Insurance: The current net cash surrender value of a policy or policies of insurance on the life of the parents or children, unless all or a major portion of the premium payments have been made by a person other than the parents or children.
3. Motor Vehicles: The current market value of automobiles, trucks, motorcycles, etc.
4. Stocks and Bonds: The current market value of all stocks and bonds.
5. Judgments: The outstanding amount of a judgment against a solvent corporation plus the accumulated interest thereon.
6. Notes, Mortgages, and Deeds of Trust: The current market value of notes, mortgages, and deeds of trust.
7. Business Enterprise: The current market value of the parents' or children's interest in the stock on hand, fixtures, and equipment, and the value of "accounts receivable" of a commercial or other business enterprise.

(Continued on Next Page)

- (a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952)
- (b) This page constitutes new material and is not underlined because of volume.

8. Farm Equipment, Livestock, and Fowl: The current market value of farm machinery and equipment, such as tractors, cultivators, etc., and of livestock, ~~and fowl~~, *and of stored crops.*
9. Trust Funds: The value of an interest in a trust to the extent that the property is in fact available.

C.B. SOURCES FROM WHICH PERSONAL PROPERTY CAN BE ACQUIRED

The following are the more common sources from which personal property can be acquired subsequent to the granting of assistance.

1. Non-recurring lump sum payments, such as those received
 - a. As the beneficiary of an insurance policy, including OASI lump sum death payments
 - b. From the surrender or maturing of insurance policies owned by the parents or child (a)
 - c. From a judgment or a settlement in lieu of a judgment or from payment received because of compensation laws (b)
 - d. By inheritance, including an heir's available interest in an undistributed estate, or by gift
 - e. From a retirement or pension system by a former member or the spouse; e.g., State Employee's Retirement System, Federal Employee's Retirement Fund Under the U.S. Civil Service Commission, retirement plans of private corporations, etc.
 - f. From a refund from personal income tax payments or from excess premium payments (special dividend) on National Service Life Insurance.
2. The unexpended balance of income remaining as of the first of the month following its receipt, provided such income was: (a)
 - a. Received at intervals of one month or less.
 - b. Initial lump sum income from a source which will provide continuing monthly income.
 - c. Non-recurrent lump sum income (regardless of the period over which it was accrued).
3. Conversion of Real Property into Personal Property
4. Receipt of personal property other than cash:
 - a. By inheritance, including an heir's available interest in an undistributed estate.
 - b. By gift.
 - c. By purchase from current income.
 - d. By conversion of one type of personal property into another.

(W&IC 1521, 1521.2, 1560)

- (a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952)
- (b) This page constitutes new material and is not underlined because of volume.

The term "owner" includes all persons who hold title, either legal or equitable, to personal property, regardless of its location.

Personal property is considered to be owned if it is held under any of the following conditions:

1. Clear of all indebtedness
2. Subject to a mortgage, or other obligation against it, or if it has been placed as collateral
3. Subject to purchase from another party under a conditional sales contract
4. Subject to sale to another party under a conditional sales contract
5. In an undistributed estate if the property is actually available prior to distribution of the estate
6. In a trust if the property is actually available in whole or in part.

The full market value ~~of notes or other securities~~ of personal property (a) which ~~have~~ has been assigned or placed as collateral to assure payment of certain debts shall be considered in determining eligibility for assistance, unless actual transfer of ownership is affected.

If personal property is bought under contract of sale, title remaining with the seller, the buyer's equity in the current market value of the property (which increases as he makes payments on the property) shall be considered in determining his eligibility. The buyer's equity is the current market value less the unpaid balance on the purchase price. (b)

If personal property is sold under contract of sale, title remaining with the seller, the seller's equity in the current market value of the property (which decreases as the buyer makes payments on the property) shall be considered in determining his eligibility. The seller's equity is the current market value less the total amount paid on the purchase price (excluding interest).

The child's or his parent's share of any estate, which share has not been distributed and of which either has no present economic use, shall not be considered.

Funds held in an escrow account, which can be revoked only upon the consent of all parties involved, are not available for use and shall be disregarded in determining eligibility. Pending actual conveyance of title

(Section Continued on Next Page)

-
- (a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952).
(b) Clarification

to the purchaser, funds placed in escrow by him for the purchase of a specific piece of property do not affect eligibility of either the purchaser or the seller. When all conditions of the sale, or other conditions which the escrow guarantees, have been met and the escrow is completed, the personal property thus becoming available to the seller shall be considered in determining eligibility for assistance.

If a child or parent does not have control of all or part of a trust of which he is the beneficiary, the personal property in the trust or that portion not under his control shall not be considered in determining personal property holdings. If ownership of the trust is dependent upon the occurrence of a certain event, such as the beneficiary attaining the age of 21 years, such trust is not considered the property of the beneficiary until the stipulated event occurs.

If assets are frozen, i.e., unavailable to the owner through no voluntary act on his part and unobtainable by any voluntary act on his part, they shall not be considered in determining eligibility. An interest as evidenced by deposits, certificates of ownership, etc., in defunct banks, building and loan associations, or other organizations may be frozen insofar as obtaining funds from the particular bank, or other institution, is concerned. However, the interest in such property may be salable at a discount. Such salable value represents personal property to be considered in determining eligibility.

Personal property may be owned under any of the following conditions:

1. As separate property
2. As community property
3. In joint tenancy
4. In tenancy in common
5. In a partnership
6. By a corporation

Differentiation of separate and community personal property may be necessary if there is a stepparent of a child for whom assistance is requested or granted, as the stepparent's share of community property or his separate property shall not be considered in determining eligibility of the child. Such differentiation would also be necessary if full custody of a child has been surrendered by a parent pursuant to a court order and there has been no property settlement, as the share of the community property and separate property of the parent not having custody of the child shall not be considered in determining eligibility of the child.

(Section Continued on Next Page)

If all or a major portion of the premium payments on a life insurance policy have been made by a person other than the parents or children, the policy shall be considered as the property of that person.

(a)

The personal property which is the exclusive property of a child who is not eligible for ANC shall not be considered in determining the eligibility of other children in the family.

If a child in a family group has an amount in trust which is restricted for his use alone by the terms of the trust or by court order, and which is in excess of the \$600 allowed, the other children in the family shall not be disqualified for assistance because of this fact.

Example: Mary, one of five children for whom application is made by their mother, has \$1,000 which was awarded her because of injuries in an accident. By court order it is set aside for her use only. Mary would not qualify for assistance, but the eligibility of the other children would not be affected.

If there are no restrictions on the use of money received as a judgment, or from other sources, such money shall be presumed to be available to the family and shall be considered in determining eligibility.

A person named as co-owner and having possession of a U.S. savings bond shall be presumed to be the owner thereof, unless such ownership is refuted. If the contention is made that all of the funds used to purchase the bond did not belong to the person and that the bond was not a gift, that interest which is determined as belonging to the child or his parent shall be considered in determining eligibility. The person whose name appears on the bond as co-owner and who does not have possession of such bond shall be presumed not to own any part of the bond, unless such lack of ownership is refuted. Upon the death of one co-owner the surviving co-owner of any savings bond or other bonds and obligations of the U.S. becomes the sole owner, unless federal laws or regulations governing the issuance thereof provide otherwise. (W&IC 1521.5, 1560)

(a) For clarification.

Personal property shall include the value of all life insurance policies on the parents and children to the following extent:

1. If the policy has been in effect less than 5 years, consider the current net cash surrender value of the entire policy.
2. If the policy has been in effect five years or more, consider the current net cash surrender value of that portion of the total net maturity value of the policy which exceeds \$1,000. If there is more than one such policy, consider the current net cash surrender value of that portion of the total net maturity value of the aggregate policies which exceeds \$1,000.

Personal property shall not include insurance policies which have been in effect 5 years or more if the aggregate net maturity value is in an amount of \$1,000 or less.

Example 1: A father is the only member of the family with an insurance policy. The father's policy, issued 1/15/25, has a face value of \$2,000 but there is a loan against the policy of \$500 making the net value at maturity \$1,500. The current net cash surrender value of the policy is \$900. The first \$1,000 of the net value at maturity is exempt from consideration. Therefore, the current net cash surrender value of \$500 (that portion of the net value at maturity which exceeds \$1,000) constitutes personal property; the value of which is determined to be \$500 as follows:

$$\begin{array}{rcl} & \$900 \text{ net cash} & \\ & \text{surrender value} & \\ \$500 * & \times \$1,500 \text{ net value} & \\ & \text{at maturity} & = \$300 \end{array}$$

* \$1,500 net value at maturity minus \$1,000 exemption.

Example 2:

A family owns insurance policies as follows:

Policy	Issued	Face Value	Loans	Net Value at Maturity
1	6/5/49	\$500		\$500
2	5/3/33	\$900	\$100	\$800
3	6/15/32	\$200		\$200
Total net value at maturity				\$1,500

Policy 1 has been in effect less than five years. Therefore the current net cash surrender value of this policy must be determined and included with the value of other personal property. Since both policies 2 and 3 must have been in effect more than five years and the aggregate net maturity value of the two policies is \$1,000, these policies are not considered in determining eligibility and it is not necessary to determine the current net cash surrender value of them.

(a) Included in Sec. C-340 included in this agenda.

C-335 (Continued)

C-335

If total insurance holdings of a family consisting of a number of policies which have been in effect five years or more have a net maturity value in excess of \$1,000, the current net cash surrender value of that portion of the insurance to be eliminated from consideration as personal property shall be determined by the combination of such policies which best operates to the advantage of the child.

An insurance policy which has no cash surrender value is not an available resource for the support of the child and has no effect upon the personal property status.

The following definitions of life insurance terms may be helpful in considering the value of life insurance policies.

Net value at date of maturity is determined by adding the amount of paid-up additions, if any, to the face value of the policy and subtracting the amount of any loans made by the company against that policy.

Date of maturity is the date on which the net value at maturity becomes due and payable. Most insurance policies do not mature until the death of the insured. A "20 or 30 pay" life insurance policy normally matures upon the death of the insured and not with the completion of the premium payments or at the end of any specified period of time. However, the net maturity value of an endowment policy becomes payable at the expiration of a specified period, e.g., 20 years in the case of a 20-year endowment. Upon reaching the maturity date, the net maturity value of the policy becomes personal property to be considered in determining eligibility. The fact that the insured elects to leave the funds representing the maturity value of the endowment policy on deposit with the company does not alter this situation. (a)

Current net cash surrender value is determined by subtracting from the cash surrender value of the policy or policies the amount of any loans made by the company against that policy or policies, and unpaid interest thereon.

Date of policy is the date on which the policy was issued, and this date shall be considered in determining the age of the policy. However, if a new or adjusted policy is issued in lieu of another, and the original policy gave the insured the option of converting it, the converted policy is treated as a continuation of the original, and the date of issuance of the original policy is considered. A new policy issued not by reason of any rights granted in the original policy but as a new and unrelated contract, is considered to have been in existence only from the date the policy was issued.

(Section Continued on Next Page)

(a) Included in Sec. C-340 included in this agenda.

C-335 (Continued)

C-335

Annuities usually are irrevocable and have no cash or loan value. If annuities have a cash surrender value, this value shall be considered as personal property unless the insurance falls within the exemption allowed in the law.

Paid up additions to the policy may be purchased with the dividends earned by the policy according to an option given to the insured by some companies. If accumulated dividends have been converted into paid-up additions, the amount of the additions shall be considered in determining the net value of the policy at maturity. If the dividends are not used to purchase additions to the policy, but remain with the company where they are available to the applicant upon demand, the amount of such dividends represents personal property which shall be considered in determining eligibility. (a)

The parents of a child who was considered ineligible in the past (or would have been ineligible had application been made) because of the cash surrender value of life insurance held by the parents or children may subsequently borrow on such insurance. If loan is made against the policy or policies of insurance for the purpose of immediate maintenance of the insurance or the family or adjustments are made for some other purpose than to qualify for assistance, eligibility is not impaired, provided personal property holdings are within the maximum, even though the loan against the insurance may have reduced the current net cash surrender value in sufficient amount to render the child no longer ineligible because of personal property. (Waic 1521.2, 1560)

C-337 JUDGMENTS, COMPENSATION, INHERITANCE, AND GIFTS AS PERSONAL PROPERTY

C-337

A lump sum received as the result of compensation laws or in payment of a punitive judgment granted because of damages sustained by either the person or property of the child or parent represents personal property.

If weekly or other periodic payments are received as benefits under the provision of compensation laws, such payments represent income rather than personal property.

The value of a judgment which has not been executed shall be considered in determining eligibility under personal property requirements. If the judgment is against a solvent corporation, the value of the judgment shall be considered to be equal to the amount of the judgment. If the judgment is against someone other than a solvent corporation, the county shall determine the ability of the judgment debtor to pay.

(Section Continued on Next Page)

(a) Included in Sec. C-340 included in this agenda.

C-337 (Continued)

C-337

If the judgment cannot be executed because the debtor or his property cannot be located, or the judgment creditor has the judgment vacated, the value of the judgment shall not be considered in determining eligibility.

If a judgment is the subject of an action brought by the judgment debtor in a higher court to vacate the judgment, and the judgment creditor is prohibited from executing the judgment, that portion of the value of the judgment remaining unsatisfied shall not be considered in determining eligibility while court action is pending.

A cash settlement accepted in lieu of a judgment is considered personal property.

The value of personal property acquired through inheritance shall be considered together with the value of other personal property holdings in determining eligibility. However, if the parent or married minor child receives personal property through the death of the spouse, or is the beneficiary of insurance of a spouse or of a child, such property or funds may be considered as being encumbered or charged with the funeral expenses of the deceased. If determination is made that all or a portion of such property or funds have been or are to be used to defray such expenses, these funeral costs shall be deducted before determining the net value of the property. Only the net value, computed after deduction of funeral expenses, shall be considered in determining eligibility.

The value of personal property acquired by gift shall be considered in determining eligibility. A gift is the separate property of the person receiving it. (W&IC 1560)

C-340 DETERMINATION OF PERSONAL PROPERTY

C-340

The county shall determine the value of all cash and securities owned by the child, his parents, and minor siblings in the family group.

If the applicant or person legally responsible for the child states that the child, his parents, and minor siblings in the family group own no cash or securities, no further investigation is necessary with respect to personal property currently owned, unless conflicting information arises. (a)

(Section Continued on Next Page)

Reasons for Section C-340

- (a) To incorporate provisions of Chapter 708, Statutes of 1951 (SB 952).
- (b) Formerly Sec. C-335 rewritten to incorporate provisions of Chapter 708, Statutes of 1951 (SB 952).
- (c) Formerly Sec. C-337 rewritten to incorporate provisions of Chapter 708, Statutes of 1951 (SB 952).
- (d) This constitutes new material and is not underlined because of volume.

C-340 (Continued)

C-340

If the applicant or person legally responsible for the child states that the child, his parents or minor siblings own cash or securities, an investigation shall be made.

The statement of the applicant or person legally responsible for the child shall be accepted as evidence of cash on hand and may be accepted as evidence of cash in safety deposit boxes.

Determination of the amount of funds in a bank account, postal savings accounts, or building and loan associations shall be made from the individual's account book, unless the book is not available or there is conflicting information. In such situations information shall be secured from the institution concerned, either by the applicant or by the county.

If a parent's or child's name appears with that of another person on a joint or trustee account, there is the presumption that the parent or child is the owner of all of the funds in the account. If the parent contends that all of the funds in the account do not belong to him or the child, effort shall be made to establish his interest in it. That portion which is established as belonging to the parent or child is considered in determining eligibility. Oral or written statements as to the ownership of the funds shall be secured from all the parties concerned in a joint account. If it is not possible to secure statements from all the parties to the account or the statements do not agree as to the ownership of the funds, further evidence shall be secured.

If a building and loan association or other financial concern in which money is deposited is in process of liquidation under receivership proceeding, the current market value of the building and loan certificates or other evidence of interest therein shall be considered rather than the actual amount deposited with the company. (a)

The current market value of notes, mortgages and deeds of trust, i.e., the amount which could be realized if such instruments were offered for quick sale, shall be ascertained and considered in determining eligibility. An estimate of the current market value of notes, mortgages, and deeds of trust shall be secured from local bankers, realtors, loan companies, or others qualified to make such estimates.

The current market value of stocks and bonds shall be considered in determining the value of personal property holdings.

(Section Continued on Next Page)

C-340 (Continued)

C-340

The current market value of United States Savings Bonds (Series A to E, inclusive) increases according to the table of values on the back of the bonds. Redemption values increase on the anniversary dates which fall at six month intervals following the first of the month in which the bond was originally issued. Redemption values for several denominations of Series E bonds are listed in the following table:

SERIES E WAR BONDS

Year after month of issuance	\$25	\$50	\$100
-- $\frac{1}{2}$	\$18.75	\$37.50	\$75.00
$\frac{1}{2}$ --1	18.75	37.50	75.00
1-- $1\frac{1}{2}$	18.87	37.75	75.50
$1\frac{1}{2}$ --2	19.00	38.00	76.00
2-- $2\frac{1}{2}$	19.12	38.25	76.50
$2\frac{1}{2}$ --3	19.25	38.50	77.00
3-- $3\frac{1}{2}$	19.50	39.00	78.00
$3\frac{1}{2}$ --4	19.75	39.50	79.00
4-- $4\frac{1}{2}$	20.00	40.00	80.00
$4\frac{1}{2}$ --5	20.25	40.50	81.00
5-- $5\frac{1}{2}$	20.50	41.00	82.00
$5\frac{1}{2}$ --6	20.75	41.50	83.00
6-- $6\frac{1}{2}$	21.00	42.00	84.00
$6\frac{1}{2}$ --7	21.50	43.00	86.00
7-- $7\frac{1}{2}$	22.00	44.00	88.00
$7\frac{1}{2}$ --8	22.50	45.00	90.00
8-- $8\frac{1}{2}$	23.00	46.00	92.00
$8\frac{1}{2}$ --9	23.50	47.00	94.00
9-- $9\frac{1}{2}$	24.00	48.00	96.00
$9\frac{1}{2}$ --10	24.50	49.00	98.00
10	25.00	50.00	100.00

(a)

Example: A \$25 Series E Bond purchased June 24, 1949, is worth \$18.75 through May 31, 1950. On June 1, 1950 (the first day of the anniversary month), the value increased to \$18.87, on December 1, 1950, to \$19.00, on June 1, 1951, to \$19.12, etc., according to the values given on the back of the bond.

All pertinent information regarding insurance policies carried in the name of the parent or child shall be determined.

(Section Continued on Next Page)

C-340 (Continued)

C-340

Determination shall be made by examination of the policies or, if the policies are not available or do not contain sufficient information, through correspondence with the insurance company. Determination shall be made even though the premiums may be paid by other than the insured. The county record shall contain the following information regarding each policy: type of policy, date of issuance of policy, amount of premiums and by whom paid, current net cash surrender value, face value, loans outstanding, value at maturity, beneficiaries, disability or other special benefits.

In determining the value of an inheritance, if any, which is available before distribution, consideration shall be given to know indebtedness and to an estimate of the administrative costs exclusive of inheritance taxes. This estimate of administrative expense (exclusive of inheritance tax) shall be deducted from the appraised value as filed with the probate court in determining the net amount of personal property available prior to distribution.

If two or more heirs have an undivided interest in an undistributed estate which is in fact available prior to distribution, each is considered to have an interest in proportion to the number of known heirs.

The value of personal property may increase or decrease due to the fluctuating nature of the value of individual holdings; for example, the value of stocks and other securities. In general, the current net cash surrender value of insurance increases with the lapse of time.

(a)

If the value of personal property holdings of the parent or child approaches the maximum permitted under the law, a slight variation in the value of an individual holding may affect eligibility, and a redetermination of the value is necessary at frequent intervals. If personal property is of fluctuating value and approaches the maximum, its value shall be redetermined at least every three months.

If changes in the value of personal property holdings as previously determined are reported, a complete redetermination of all personal property holdings shall be made. If there is a marked deviation in personal property holdings from those possessed when the preceding determination was made, the reason for such deviation shall be determined and recorded in the narrative. If personal property was formerly substantial in amount and the amount has been appreciably reduced, funds may have been converted into other forms of personal property. If there has been an appreciable increase in personal property; e.g., a bank account, the source of the increase shall be ascertained.

(Section Continued on Next Page)

Personal property of one type may be converted into personal property of another type and eligibility continue, so long as the total value of personal property holdings does not exceed \$600, e.g.; the exchange of stocks and bonds for cash.

The following represent some types of conversion of property from one form to another:

- 1... Principal payments on property sold under contract of sale and principal payments received on a mortgage or similar instrument.
- 2... Payment received for Indian allotments sold by the U. S. Government upon the petition of the Indian for whom the property is held in trust.
- 3... Lump sums received from the maturing of life insurance policies or surrender of them for their cash value.

If at any time a child or parent becomes possessed of personal property in excess of \$600, the applicant or person legally responsible for the child is responsible for notifying the county immediately. The county shall redetermine eligibility on the basis of present holdings.

All information pertaining to personal property shall be retained in the case record or recorded in the narrative. The recording of interviews or of examination of documents shall include the source, the findings, the dates of steps in the investigation, and the names of those participating in the investigation. A complete explanation of any complicated situation regarding the property shall be included in the record.

(a)

If a statement is made on the Affirmation of Eligibility, Form CA-206, that the child or his parents has not acquired personal property since the last redetermination of eligibility and a previous determination of personal property is included in the record, no further determination of personal property need be made unless conflicting information arises. In all cases in which cash or securities are owned, the current value of property shall be redetermined to insure that eligibility has not been affected by an increase in value of property.

If changes in property holdings are reported on Form CA-206 or otherwise come to the attention of the county, a complete redetermination of property holdings shall be made. If personal property has been acquired by purchase, exchange or gift, the current value shall be determined together with the value of all other personal property owned to ascertain that the total value of all property owned does not exceed \$600. (W&IC-1560)

A. REQUIREMENTS

The county shall determine the value of all personal property owned by the child, his parents, and otherwise eligible brothers and sisters under 18 years of age in the family group:

(a)

(d)

(Section Continued on Next Page)

1. At the time of application
2. When an increase in value is reported
3. If the acquisition, an increase, or a conversion in personal property holdings is reported or otherwise comes to the county's attention
4. At least every three months if personal property is of fluctuating value and approaches the maximum
5. When the annual redetermination of eligibility is made.

All information pertaining to personal property shall be retained in the case record or recorded in the narrative. The recording of interviews or of examination of documents shall include the source of information, the findings, and the dates of steps in the investigation. A complete explanation of any complicated situation regarding the property shall be included in the record. The source of any increase acquired shall be recorded.

If the applicant or person legally responsible for the child states that the child, his parents, and minor brothers and sisters in the family group own no personal property, no further investigation is necessary unless conflicting information arises.

If at any time a child or parent becomes possessed of personal property in excess of \$600, the applicant or person legally responsible for the child is responsible for notifying the county immediately.

(a)
(d)

B. METHOD OF DETERMINATION OF PERSONAL PROPERTY

1. Cash on Hand and Cash in Safety Deposit Boxes

The statement of the applicant or person legally responsible for the child shall be accepted as evidence of cash on hand and may be accepted as evidence of cash in safety deposit boxes.

2. Bank Accounts

Determination of the amount of funds in a bank account, postal savings accounts, or building and loan associations shall be made from the individual's account book, unless the book is not available, entries are not current, or there is conflicting information. In such situations information shall be secured from the institution concerned, either by the applicant or by the county.

3. Joint or Trustee Accounts

If a parent's or child's name appears with that of another person on a joint or trustee account, there is the presumption that the parent or child is the owner of all of the funds in the account. If the parent contends that all of the funds in the account do not belong to him or the child, effort shall be made to establish his interest in it. That portion which is established as belonging to

(Section Continued on Next Page)

the parent or child is considered in determining eligibility. Oral or written statements as to the ownership of the funds shall be secured from all the parties concerned in a joint account. If it is not possible to secure statements from all the parties to the account or the statements do not agree as to the ownership of the funds, further evidence shall be secured.

4. Defunct Bank and Building and Loan Association Accounts

If a building and loan association or other financial concern in which money is deposited is in process of liquidation under receivership proceeding, the current market value of the building and loan certificates or other evidence of interest therein shall be secured from the institution involved.

5. Life Insurance

All pertinent information regarding life insurance policies carried in the name of the parent or child shall be determined.

Determination shall be made by examination of the policies or, if the policies are not available or do not contain sufficient information, through correspondence with the insurance company. The county record shall contain the following information regarding each policy: type of policy, date of issuance of policy, policy number, amount of premiums and by whom paid, current net cash surrender value, face value, loans outstanding, value at maturity, beneficiaries, ^{or} disability, or other special benefits.

An insurance policy which has no current net cash surrender value or one on which all or a major portion of the premium payments have been made by a person other than the parents or children is not an available resource for the support of the child and has no effect upon the personal property status.

The following definitions of life insurance terms may be helpful in considering the value of life insurance policies.

Net value at date of maturity is determined by adding the amount of paid-up additions, if any, to the face value of the policy and subtracting the amount of any loans made by the company against that policy.

Date of maturity is the date on which the net value at maturity becomes due and payable. Most insurance policies do not mature until the death of the insured. A "20 or 30 pay" life insurance policy normally matures upon the death of the insured and not with the completion of the premium payments or at the end of any specified period of time. However, the net maturity value of an endowment policy becomes payable at the expiration of a specified period, e.g., 20 years in the case of a 20-year

(Section Continued on Next Page)

endowment. Upon reaching the maturity date, the net maturity value of the policy becomes personal property to be considered in determining eligibility. The fact that the insured elects to leave the funds representing the maturity value of the endowment policy on deposit with the company does not alter this situation.

Current net cash surrender value is determined by subtracting from the cash surrender value of the policy or policies the amount of any loans made by the company against that policy or policies, and the unpaid interest thereon.

Date of policy is the date on which the policy was issued.

Annuities usually are irrevocable and have no cash or loan value. If annuities have a cash surrender value, this value shall be considered as personal property.

Paid up additions to the policy may be purchased with the dividends earned by the policy according to an option given to the insured by some companies. If accumulated dividends have been converted into paid-up additions, the amount of the additions shall be considered in determining the net value of the policy at maturity. If the dividends are not used to purchase additions to the policy, but remain with the company where they are available to the applicant upon demand, the amount of such dividends represents personal property which shall be considered in determining eligibility.

6. Motor Vehicles

The current market value of automobiles, trucks, motorcycles, etc., owned by the parents or child shall be determined from the license fee recorded on the State Department of Motor Vehicles registration card and the table given below.

On the registration card (white slip) for a passenger car is recorded the registration fee (\$6.00), and the vehicle license fee which varies in accordance with the value. The amount of the vehicle license fee appears in the space marked "Veh. Lic. Fee" on the line above the space provided for "Legal Owner."

The registration card for a truck shows the registration fee, the truck weight fee, and the vehicle license fee. Only the amount which is recorded in the space marked "Veh. Lic. Fee" shall be used.

The following table shows the vehicle license fees and the current market values which they represent, and which shall be used in determining eligibility with respect to personal property. (See Sec. C-302 regarding the house trailer used as a home.)

(Section Continued on Next Page)

(b)
(d)

(a)
(d)

V.L.F.	Value of Vehicle	V.L.F.	Value of Vehicle
\$ 1.00	\$ 37.00	\$13.00	\$ 650.00
2.00	105.00	14.00	695.00
3.00	150.00	15.00	755.00
4.00	200.00	16.00	805.00
5.00	250.00	17.00	850.00
6.00	295.00	18.00	905.00
7.00	355.00	19.00	950.00
8.00	405.00	20.00	1000.00
9.00	450.00	21.00	1050.00
10.00	505.00	22.00	1095.00
11.00	550.00	23.00	1155.00
12.00	600.00	24.00	1205.00

Should it be necessary to determine the current market value of a motor vehicle, the license fee for which is in excess of \$24, add to \$1,205 that value in the foregoing table which is opposite the amount by which the vehicle license fee exceeds \$24.

The foregoing table cannot be used to determine the current market value of a new automobile purchased within the current year or the current market value of a second hand car bought during the current year but previously registered in another state. Should it become necessary to determine the current market value under either circumstance, the local office of the State Department of Motor Vehicles should be consulted.

If the motor vehicle is being purchased under a contract of sale, the current market value of the buyer's equity shall be considered in determining eligibility with respect to personal property. (See Section C-330 for determination of the buyer's equity under contract of sale.)

(a)
(d)

If it is determined that a motor vehicle is a part of a program of rehabilitation for a parent or of a program ~~for partial or total assistance~~ *to assist in the* maintenance and self-support of the family, it shall not be considered as personal property in determining eligibility.

7. Stocks and Bonds

The current market value of stocks and bonds shall be determined from daily newspaper quotations, brokerage houses, banks, or established tables of values.

The current market value of United States Savings Bonds (Series A to E, inclusive) increases according to the table of values on the back of the bonds.

Redemption values increase on the anniversary dates which fall at six-month intervals following the first of the month in which the bond was originally issued. Redemption values for several denominations of Series E bonds are listed in the following table:

(Section Continued on Next Page)

SERIES E WAR BONDS

Year after month of issuance	\$25	\$50	\$100
-- $\frac{1}{2}$	\$18.75	\$37.50	\$75.00
$\frac{1}{2}$ --1	18.75	37.50	75.00
1 --1 $\frac{1}{2}$	18.87	37.75	75.50
1 $\frac{1}{2}$ --2	19.00	38.00	76.00
2 --2 $\frac{1}{2}$	19.12	38.25	76.50
2 $\frac{1}{2}$ --3	19.25	38.50	77.00
3 --3 $\frac{1}{2}$	19.50	39.00	78.00
3 $\frac{1}{2}$ --4	19.75	39.50	79.00
4 --4 $\frac{1}{2}$	20.00	40.00	80.00
4 $\frac{1}{2}$ --5	20.25	40.50	81.00
5 --5 $\frac{1}{2}$	20.50	41.00	82.00
5 $\frac{1}{2}$ --6	20.75	41.50	83.00
6 --6 $\frac{1}{2}$	21.00	42.00	84.00
6 $\frac{1}{2}$ --7	21.50	43.00	86.00
7 --7 $\frac{1}{2}$	22.00	44.00	88.00
7 $\frac{1}{2}$ --8	22.50	45.00	90.00
8 --8 $\frac{1}{2}$	23.00	46.00	92.00
8 $\frac{1}{2}$ --9	23.50	47.00	94.00
9 --9 $\frac{1}{2}$	24.00	48.00	96.00
9 $\frac{1}{2}$ --10	24.50	49.00	98.00
10	25.00	50.00	100.00

On May 1, 1951, the first Series E bonds reached maturity. These may be cashed, held, or exchanged for Series G bonds.

Redemption values if the bonds are held after maturity are listed in the following table:

Period Elapsed After Maturity	Redemption Values		
	\$25	\$50	\$100
Less than $\frac{1}{2}$ year	\$25.00	\$50.00	\$100.00
$\frac{1}{2}$ to 1 year	25.31	50.62	101.25
1 to 1 $\frac{1}{2}$ years	25.62	51.25	102.50
1 $\frac{1}{2}$ to 2 years	25.94	51.87	103.75
2 to 2 $\frac{1}{2}$ years	26.25	52.50	105.00
2 $\frac{1}{2}$ to 3 years	26.56	53.12	106.25
3 to 3 $\frac{1}{2}$ years	26.87	53.75	107.50
3 $\frac{1}{2}$ to 4 years	27.18	54.37	108.75
4 to 4 $\frac{1}{2}$ years	27.50	55.00	110.00
4 $\frac{1}{2}$ to 5 years	27.81	55.62	111.25
5 to 5 $\frac{1}{2}$ years	28.12	56.25	112.50
5 $\frac{1}{2}$ to 6 years	28.43	56.87	113.75
6 to 6 $\frac{1}{2}$ years	28.75	57.50	115.00
6 $\frac{1}{2}$ to 7 years	29.06	58.12	116.25
7 to 7 $\frac{1}{2}$ years	29.37	58.75	117.50
7 $\frac{1}{2}$ to 8 years	30.00	60.00	120.00
8 to 8 $\frac{1}{2}$ years	30.66	61.33	122.67
8 $\frac{1}{2}$ to 9 years	31.33	62.66	125.33
9 to 9 $\frac{1}{2}$ years	32.00	64.00	128.00
9 $\frac{1}{2}$ to 10 years	32.67	65.33	130.67
End of 10 years	33.33	66.66	133.33

8. Judgments

The value of a judgment which has not been executed shall be determined.

If the judgment is against a solvent corporation, the value of the judgment shall be considered to be available and equal to the amount of the judgment.

If the judgment is against someone other than a solvent corporation, the county shall determine the ability of the judgment debtor to pay. The current market value of the judgment shall then be secured through a bank or person qualified to make such an appraisal.

(c)
(d)

9. Notes, Mortgages, and Deeds of Trust

The current market value of notes, mortgages, and deeds of trust, i.e., the amount which could be realized if such instruments were offered for quick sale, shall be secured from local bankers, realtors, loan companies, or others qualified to make such estimates.

10. Business Enterprises

The current market value of a parent's or child's interest in the stock on hand, fixtures and equipment, and the "accounts receivable" of business enterprises shall be estimated by a representative of a collection agency, a retail credit association or other organization or person qualified to make such an appraisal.

(a)
(d)

If it is determined that a business enterprise is part of a program of rehabilitation for a parent, or of a program ~~for partial or total~~ *to assist in the* maintenance and self-support of the family, it shall not be considered as personal property in determining eligibility. However, all pertinent facts regarding the program and business shall be recorded in the narrative.

11. Farm Equipment, Livestock, and Fowl

The current market value of farm machinery and equipment, such as tractors, cultivators, etc., and livestock, ~~and fowl~~, *and stored crops*, shall be secured from county agricultural agents, the Farmers Home Administration, the Federal Land Bank, or other firms or individuals qualified to estimate the re-sale value of such holdings.

If it is determined that farm equipment, livestock, ~~and fowl~~, *and stored crops*, are part of a program of rehabilitation for a parent, or of a program ~~to assist in the~~ *to assist in the* ~~for partial or total~~ maintenance and self-support of the family, it shall not be considered as personal property in determining eligibility. However, all pertinent facts regarding the program and business shall be recorded in the narrative.

(Section Continued on Next Page)

12. Trust Funds

The availability of and restrictions as to the use of all or part of a trust of which the parent or the child is beneficiary shall be secured from the trustee.

(a)
(d)

13. Inheritances and Gifts

In determining the value of an inheritance, if any, which is available before distribution, consideration shall be given to known indebtedness and to an estimate of the administrative costs exclusive of inheritance taxes. This estimate of administrative expense (exclusive of inheritance tax) shall be deducted from the appraised value as filed with the probate court in determining the net amount of personal property available prior to distribution.

If the parent (or the child) receives personal property through the death of the spouse, or is the beneficiary of insurance of a spouse or of a child, such property or funds may be encumbered or charged with the funeral expenses of the deceased. If determination is made that all or a portion of such property or funds have been or are to be used to defray such expenses, these funeral costs shall be deducted before determining the net value of the personal property. Only the net value, computed after deduction of funeral expenses, shall be considered in determining eligibility.

(c)
(d)

A gift is the separate property of the person receiving it.

14. Undistributed Estates

If two or more heirs have an undivided interest in an undistributed estate which is in fact available prior to distribution, each is considered to have an interest in proportion to the number of known heirs. The availability of an interest, as well as the value, shall be determined.

15. Conversion of One Type of Personal Property to Another

Personal property of one type may be converted into personal property of another type and eligibility continues, so long as the total value of personal property holdings does not exceed \$600, e.g., the exchange of stocks and bonds for cash. If property is converted to another type of personal property, the county shall determine that the total personal property owned does not exceed \$600.

(a)
(d)

The following represent some types of conversion of personal property from one form to another:

- a. Principal payments on property sold under contract of sale and principal payments received on a mortgage or similar instrument.
- b. Payment received for Indian allotments sold by the U. S. Government upon the petition of the Indian for whom the property is held in trust.
- c. Lump sums received from the maturing of life insurance policies or surrender of them for their cash value.

Real Property

~~C-300 Real Property Requirements~~
~~C-302 Definition of Real Property~~
~~C-310 Assessed Value of Real Property~~
~~C-320 Determination of Real Property~~
~~C-322 Utilization of Real Property~~

~~These sections are amended to incorporate the "utilization" concept as applied to real property, which heretofore had not been in the ANG law. These revisions are based upon the utilization provision set forth in SB 956 which amends Section 1520 of the W&I Code.~~

C-300 REAL PROPERTY REQUIREMENTS
(Rev.)

C-300

A child shall be considered eligible with respect to real property if the assessed value of all community and separate real property owned by each child and by his parents, less all encumbrances of record, does not exceed \$3,000. Even though the parents are living separate and apart, the assessed value of their community and separate property shall be considered, except:

1. If full custody of the child has been surrendered by a parent pursuant to a court order, that parent's property shall not be considered. However, if there has been no property settlement, the share of community property of the parent who has custody as well as his separate property, if any, shall be considered in determining eligibility. If there has been a property settlement, the property awarded the parent having custody of the child along with any other property of that parent shall be considered. Court orders for support of the child or property settlements involving income shall constitute a potential source of income; therefore, the investigation and determination of the availability thereof shall be made in accordance with Sec. C-366, Determination of Amount of Contribution from an Absent Parent.
2. If a parent has relinquished the child for adoption and the relinquishment has been filed with the SDSW, the property of that parent shall not be considered.
3. If the father of the child is not married to the mother and the parents are not maintaining a home together, the property of the father shall not be considered, unless the father has legitimized the child under Sec. 230 of the Civil Code.

Real property owned by a child receiving assistance, or his parent, shall be utilized to provide for the needs of the child or his parent, or both. (W&IC 1520, 1560)

(a)

(a) Incorporation of provisions of Chapter 559, Statutes of 1951 (SB 956)

Real property ~~is considered to be property which is~~ shall include land and immovable improvements, and any place of abode owned by the child or parents whether house, boat, trailer or other habitation. It includes burial space. Also, for purposes of determining eligibility for ANC, ownership of stock in a water company not appurtenant to the land shall be considered real property to the extent of and in the amount necessary to obtain water for agricultural purposes. (W&IC 1520.1, 1560)

(a)

(a) Clarification

The true assessed value of real property shall be the current county assessed value, including exemptions allowed for tax purposes, as entered on the records of the assessor of the county in which the property is located. If the place of abode is not assessed and it is impossible to obtain an assessment, the current market value shall be used.

(a)

The actual value of real property or its salability is not a factor in determining assessed valuation for eligibility purposes.

Property owned in other states or countries shall be included in the assessed value of real property. The local assessed value where the property is located shall be considered. The local assessed valuation of real property located outside the U.S. shall be considered on the basis of the rate of exchange in American dollars, e.g., if the Mexican Consul advised that property in Mexico was assessed at 1000 pesos and the rate of exchange was 5 pesos to 1 dollar, the assessed value of the property would be \$200. (W&IC 1560)

(a) Clarification

A. Requirements

The county shall determine the county assessed value of all real property owned by the child and his parents and all encumbrances of record.

1. At the time of application.
2. When an increase in value or decrease in encumbrance is reported.
3. If acquisition of, an increase in, or a conversion of real property holdings is reported or otherwise comes to the county's attention.
4. When the annual redetermination of eligibility is made.

Information pertaining to real property and encumbrances of record thereon shall be recorded in the narrative or otherwise included in the case record. The recording of interviews or of examination of documents shall include the source, the findings, and the dates of steps in the investigation. A complete explanation of any complicated situation regarding the property shall be included in the record.

(a)

If the applicant or person legally responsible for the child states that the child and his parents own no real property, no further investigation is necessary with respect to real property currently owned, unless conflicting information arises or there is a doubt regarding the situation.

~~If the applicant or person legally responsible for the child states that the child or his parents own real property, an investigation shall be made. If a tax statement is available, it may be used to determine the assessed value of the real property. If a tax statement is not available, a review of the records of the county assessor, tax collector, or recorder shall be made to determine the amount of real property holdings.~~

B. Method of Determination of Real Property

1. Ownership of Property

If inconsistent or conflicting information arises or there is a question regarding the ownership of property, a property search shall be made in the locality in which the property is located. One method of securing a property search in another county within the state would be for the county to request a property search by correspondence with the county welfare department in the other county.

(Section Continued on Next Page)

(a) To incorporate provisions of Chapter 559, Statutes of 1951 (SB 956)

If inconsistent or conflicting information arises, a property search shall be made in the locality in which the property is located, to determine ownership of property and, if property is owned, the county assessed valuation of property.

If an interest in real property such as unpatented mining claims, timber, oil, or mineral rights or leaseholds, cemetery property held for profit, etc., is owned, the assessed value shall be determined. If the assessed value is not otherwise obtainable, the county shall ask the county assessor to make a determination of its assessed value, which shall be used in establishing eligibility. If it is impossible to obtain the county assessed value, the quick sale value of the property shall be obtained and this value substituted for the county assessed value.

For the purpose of establishing eligibility, if the assessed value of other real property holdings approaches the maximum, the value of any cemetery, mausoleum, or columbarium property intended for the use of the owner or his family shall be determined in accordance with the assessed value of similar property which is held for profit in the same or comparable cemetery, mausoleum, or columbarium. (a)

2. Assessed Value of Property

If a tax statement is available, it may be used to determine the assessed value of real property. If such a statement is not available, a review of the records of the county assessor, tax collector, or recorder shall be made to determine the assessed value.

If there is a question regarding ownership of, or assessed valuation of, property in another county within the state and tax statements are not available, the county may request a property search by correspondence with the county welfare department in the county in which the property is located. Questions regarding valuation of property located outside the state may be cleared with the county assessor, or other proper public official, or the county welfare department in the locality in which the property is located.

If there is a question regarding the assessed valuation of property in another county or state and tax statements are not available, one method of clearing such questions would be to write to the county assessor, or other proper public official, or the county welfare department in the locality in which the property is located.

To determine ownership and assessed valuation of real property located outside the U. S., the county may correspond with the unit of government or public official concerned if no language barrier exists. If a language barrier exists, inquiry may be directed to an American Consul in the country concerned. The nearest representative of the other country may also be consulted.

If exemptions for tax purposes are deducted from the assessed value before entry in the assessor's record or on the tax statement, the exact amount of exemption shall be added to the recorded sum to determine the true assessed value.

(Section Continued on Next Page)

(a) To incorporate provisions of Chapter 559, Statutes of 1951 (SB 956).

3. Encumbrances of Record

Usually the existence, amount, and duration of all encumbrances to be deducted from the assessed value of real property shall be determined. ~~A search of the county recorder's records may be necessary for determination of an encumbrance. However, this information~~ can usually be obtained by inspection of the document in the owner's possession or by interview or correspondence with the holder of the mortgage or note. However, a search of the county recorder's records may be necessary.

4. Interests in Real Property

If the assessed value of an interest in real property such as an unpatented mining claim, timber, oil, or mineral rights or leaseholds, cemetery property, etc., is not otherwise obtainable, the county shall ask the county assessor to make a determination of its assessed value. If it is impossible to obtain the county assessed value, the current market value of the property shall be obtained and this value substituted for the county assessed value.

(a)

~~If at any time a child for whom assistance is granted; or his parent, becomes possessed of real property in excess of the maximum allowed, the applicant or person legally responsible for the child is responsible for notifying the county immediately.~~

5. Inheritance

~~The determination shall include a Follow-up shall be made of any statement or information obtained regarding the possibility of property ownership through the existence of an estate. If property is inherited during the receipt of assistance and is available The availability to the child or his parents of real property inherited prior to the distribution of the an estate or the estate is distributed, its value shall be determined, and considered together with the value of other real property holdings.~~

~~Information pertaining to real property and encumbrances thereon shall be retained in the case record or recorded in the narrative;... The recording of interviews or of examination of documents shall include the source, the findings, the dates of steps in the investigation, and the names of those participating in the determination... A complete explanation of any complicated situation regarding the property shall be included in the record.~~

(Section Continued on Next Page)

(a) To incorporate provisions of Chapter 559, Statutes of 1951 (SB 956).

If a statement is made on the Affirmation of Eligibility, Form CA-206, that the child or his parents has not acquired real property since the last redetermination of eligibility and a previous determination of real property is included in the record, no further determination of real property need be made unless conflicting information arises. In all cases in which property is owned, the current assessed valuation of property shall be redetermined by review of the current tax statements to insure that eligibility has not been affected by an increase in assessed value of real property. The county shall also redetermine the amount of encumbrances of record against the property.

(a)

If changes in property holdings are reported on Form CA-206 or otherwise come to the attention of the county, a complete redetermination of property holdings shall be made. If real property has been acquired by purchase, exchange, or gift, the assessed valuation shall be determined together with the assessed value of all other property owned to ascertain that the total assessed value of all property owned does not exceed \$3,000. If property is purchased, the terms of the purchase and plan of payment shall be ascertained.
(W&EG-1560)

(a) To incorporate provisions of Chapter 559, Statutes of 1951 (SB 956).

A. Requirements

Real property owned by a child receiving assistance or by his parent, shall be:

1. Utilized to provide for current needs of the child or his parents or both unless utilization is not feasible, or
2. If utilization is not feasible, offered for immediate sale unless such sale would be a useless act.

This requirement does not apply to the separate real property of a parent who has surrendered full custody of the child pursuant to a court order or of a parent who has relinquished the child for adoption and the relinquishment has been filed with the SDSW, or of a father not married to the mother of a child who has not legitimized the child under Section 230 of the Civil Code. The parent or person legally responsible for the child shall make the decision as to the way the property is to be utilized. The recording in the narrative shall indicate the decision made.

If real property is owned with another person or persons, the parent or person legally responsible for the child must attempt to utilize the share. If it is not possible to utilize the share by terms of the co-ownership or the desires of the other owners, the child shall not be considered ineligible.

B. Definition of Utilization

Real property is utilized if it provides the child or his parent with shelter, food, or other items of current need, or is producing reasonable income.

Real property is utilized for shelter if it is the home of the child or his parent during all or a portion of the year. Real property normally occupied by the child or his parent but not currently so used because of temporary absence shall still be considered the home of that person.

If the home property is a multiple unit dwelling (e.g., apartment or flats), or if it includes other separate housing units, that portion of the home property not occupied by the child or his parent shall be utilized.

"Home" includes the surrounding area which is normally used for the garden, family orchard, etc. If the surrounding area is so large that a portion of it could be rented, leased, or otherwise made to produce something of current benefit to the child or the parent without restricting the use of the home plot, such portion shall be utilized.

(Continued on Next Page)

If real property is being rented, the rental charge shall be consistent with the rental value of similar property in the community.

If property normally produces income, but produced little or no income during the past year, decision as to whether the property is producing reasonable income shall be based on the average net income during the past five years, provided it appears likely that it will again produce reasonable net income in the immediate future.

C. Time Limit for Utilization

The parent or person legally responsible for the child shall be given a reasonable period in which to initiate the plan for utilization of real property. This period shall expire three months from the date of the action granting the application or for families already receiving assistance three months from the date that notice that property must be utilized was given. If serious illness or other extenuating circumstances prevent proceeding with the plan for utilization, the period shall be extended in accordance with the conditions in the individual case. The specific circumstances which resulted in an extension of time shall be recorded in the narrative.

D. Discontinuance Upon Failure to Utilize

Assistance shall be discontinued when the county determines that the parent or person legally responsible for the child has made no effort to utilize real property by the expiration of a reasonable period as defined in Item C, above, unless utilization is determined not to be feasible.

E. When Utilization is Not Feasible

Utilization of real property shall be considered not feasible under the following circumstances:

1. The parent or person legally responsible for the child knows of no way whereby he could make the property contribute toward the current need of the child or the parent, and the county determines that any effort toward utilization would be futile. In order to qualify for continued assistance, the property shall be offered for immediate sale unless such sale would be a useless act.

Sale of real property would be considered a useless act if the proceeds expected to be realized in a bona fide sale together with other personal property owned would not exceed \$600. The amount expected to be realized in a bona fide sale is the sale value, estimated by realtors or others in a position to know the sale value of the property, less any encumbrances of record against the property.

Under no condition shall sale of property be required prior to the date action is taken to grant assistance.

(Continued on Next Page)

2. The parent or person legally responsible for the child has made unsuccessful efforts to rent or otherwise utilize the property and one year has expired since assistance was granted, or since the family already receiving assistance was notified that property must be utilized. Unless the sale of the real property would be a useless act, the property shall be offered for immediate sale. If the property is a multiple dwelling and one unit is occupied by the child or parent, sale of the property shall not be required, but effort to utilize through rental shall continue.

The sale price shall be consistent with the value of similar property in the community as determined by realtors or others in a position to know the value of property. Eligibility for assistance is not affected as long as a continuous and bona fide effort is made to sell the property, i.e., the property is continuously offered for sale by posting the property or listing it for sale with one or more real estate agents, etc. In the absence of such effort, assistance shall be discontinued.

~~C-270 State Residence Requirements (see page 96)~~

~~C-283 State Residence Requirement Met by Residence of a Relative Other Than Parent~~

~~C-285 Determination of State Residence (see page 102)~~

~~These sections on residence are amended to include the newly enacted provisions that a child under one year of age born outside the State has residence for purposes of ANC if the child is living with a relative who has resided in California for one year preceding the birth of the child.~~

~~This is required by HR 6000 (an amendment to the Social Security Act) and Senate Bill 957 which amends Section 1525 of the W&I Code.~~

C-283 STATE RESIDENCE REQUIREMENT MET BY RESIDENCE OF A RELATIVE OTHER THAN A PARENT C-283
(New*)

If the relative with whom the child is living has resided in the state for one year immediately preceding the birth of the child and the child was born outside of California within one year immediately preceding the date of application, the child is eligible with respect to state residence regardless of the date of his arrival in California.

Absence of the relative from California without loss of state residence during the year immediately preceding the birth of the child would have no effect on eligibility. The child shall be in California when assistance is granted.

Assistance shall not be denied solely because a child or the relative received assistance from another state while physically present in this state if information indicates the relative's intent to reside in California. If residence in another state is a condition to the granting or continuance of assistance, this may indicate an intent on the part of the relative to retain residence in that state. However, other evidence may indicate intent of the relative to establish residence in this state. (W&IC 1525, 1560)

*New section to incorporate the provisions of Chapter 1350, Statutes of 1951, (SB 957)

C-600 FAIR HEARINGS - GENERAL
(New*)

C-600

Provision for an administrative hearing procedure in public assistance is significant among the standards established by the public assistance titles of the Social Security Act and by the Welfare and Institutions Code. This provision helps to assure the various rights described in the Act and in the Code.

State law sets the conditions of eligibility and standards of assistance. The determination of eligibility and the payment of assistance to eligible persons are then matters of due process. It is fundamental that "due process" includes free access to some form of judicial enforcement. This fact is recognized in the Welfare and Institutions Code where there is explicit and complete provisions for hearing on any point of dissatisfaction and for securing court review of the SSWB decision.

In describing suitable provision for fair hearings, the Federal Social Security Administration has defined a fair hearing as "an orderly, readily available proceeding before an impartial official or panel of the state agency, in which a dissatisfied claimant of assistance or his representative may present his case, with the help of witnesses, to show why action or inaction in his case should be corrected by the state agency."

A fair hearing, in ANC, calls for a new determination of the status of the child at the time the county action was taken, based on all the evidence that can be secured, regardless of whether or not that evidence was available in the first instance. The process is not essentially different from normal eligibility determination and, in general, produces no result which cannot be achieved by regular administrative process.

Since a fair hearing considers eligibility, the amount of assistance, or some similar issue, as such, rather than the county's action, the county is not placed in the position of having to defend its action. It has, on the contrary, a duty to participate in the making of a wholly new determination. That its original determination may, incidentally, be confirmed or not is a matter of secondary importance in the appeal process.

Administrative hearings are used widely in public administration and such use has resulted in the development of certain principles of "fair" hearing. These principles have been found to be in agreement with the purposes of public assistance and adaptable to its needs. The procedural requirements for hearings, as established by the federal agency, reflect these generally accepted principles and may be summarized as follows:

1. Every applicant or recipient shall be informed fully of his right of appeal and how to obtain a fair hearing;

(Continued on Next Page)

* New Material - not underlined because of volume.

2. He shall be informed fully of his freedom of choice between requesting the county to review his situation for possible adjustment and requesting a hearing before the state agency;
3. Hearings shall be so arranged as to be freely available to every appellant;
4. Prompt hearing, decision and execution of decision shall be insured by an effective controlling procedure;
5. Hearings shall be orderly but informal, not requiring the services of counsel in order to assure the appellant and the county full and fair hearing;
6. The right of principals to hear all testimony and examine all documentary evidence and to offer rebuttal shall be fully observed;
7. Decision by the state agency shall be based on the hearing record exclusively and shall include a clear statement of (1) the essential facts, (2) legal or policy provisions involved, (3) the reasoning leading to decision and (4) the results for the appellant.

The procedure being provided for use by appellants, the counties, and the SDSW seeks to give effect to these principles. The fact that required standards may thus be met is important. It is even more important that the best in proven principles be given expression in procedures.

In addition to its place in "due process," the hearing provides an important means of testing policy and procedure. It can serve, very usefully, as one means of assuring better general understanding of law and policy. For all of these reasons it is important that the effort of all concerned be directed to securing fair hearing. (W&IC 104.5, 1551)

C-603 DEFINITIONS

C-603

An appeal, in ANC, is a request, signed by the person or agency responsible for the care or supervision of a child on whose behalf an application has been made or who is receiving assistance, or by the authorized representative of such person or agency, for a fair hearing of his dissatisfaction with some county action or inaction relative to such application or assistance.

An appellant is one who requests a fair hearing.

A referee is a hearing officer designated by the SSWB to hear and to take evidence in an appeal to the SDSW.

A fair hearing is the process whereby the appellant and the county present pertinent facts and information before a referee (or before the SSWB), which facts are then considered and weighed by the SSWB as the basis of its decision.

A stipulated appeal is one in which the appellant, the county, and the SDSW, stipulate the facts and recommendations and no decision by the SSWB is required. (W&IC 104.5, 1551)

The dissatisfied person or agency who has not been able to secure a satisfactory adjustment on behalf of the child in dealing with the county has two remedies open to him at all times. He may ask the SDSW to review the child's situation and assist him in securing a satisfactory adjustment; or he may file an appeal with the SDSW, requesting a fair hearing. Having chosen either procedure, he may change to the other at any time.

While each county should have adequate procedure for considering complaints and may be able to adjust some of them by administrative action, the dissatisfied person or agency acting ~~in~~ behalf of a child is not required to exhaust the possibilities of such procedure as a preliminary to presenting his problem to the SDSW.

The right of appeal can be exercised only by a person or agency responsible for the care and supervision of the child or by his duly authorized representative. It cannot be exercised on behalf of a deceased child.

Every person or agency applying for or receiving assistance on behalf of a child shall be informed, by the county, regarding the right of appeal. An explanation of this right shall be given at the time of application. Written notice of the right of appeal shall be included in every notification of the granting, denial, increase, decrease, discontinuance or suspension of assistance, or request for repayment.

While all persons or agencies responsible for the care or supervision of children on whose behalf applications have been made or who are receiving assistance have the right of appeal and may request a fair hearing on any point of dissatisfaction, decision by the SSWB is limited to those matters in which the SSWB has jurisdiction. This limitation bars the SSWB from considering appeals which do not pertain to programs supervised by the SDSW, except to the extent necessary to determine whether or not the SSWB has jurisdiction.

Typical causes for appeal in ANC are the following:

1. Assistance has been denied by the county;
2. Assistance is insufficient to meet the family's needs;
3. Assistance has been discontinued;
4. There is question as to the date on which assistance should begin;
5. The county does not take an application at time of request;
6. The county does not take action on the application after a reasonable lapse of time;
7. Appellant believes the child eligible for retroactive assistance;
8. Dissatisfaction with the county's request for repayment of assistance;
9. The county refuses to return alleged erroneous repayment of assistance;
10. Dissatisfaction exists over any other matter which concerns an application for, or receipt of, ANC. (W&IC 104.5, 1551)

The person or agency who wishes to file an appeal does so by notifying the SDSW of his desire for a fair hearing. Request for fair hearing must be in writing and must be signed by the appellant. It may take the form of:

1. A specific statement, in letter form, that the appellant desires a fair hearing;
2. A petition requesting a fair hearing, or
3. A completed Form DPA 13, Appeal to the SDSW (provided by the SDSW).

The appellant may supplement his request for a fair hearing as he desires but it is to his advantage to have the basis of his dissatisfaction clearly set forth in advance of the hearing. This may be reported by letter or on Form DPA 14, Basis of Appeal ~~Before the Social Welfare Board~~ ^{File Department of} (provided by the SDSW). However, such statements do not take the place of appearance at the hearing since it is the opportunity to appear and be heard that is being requested. (W&IC 104.5, 1551)

State No. _____

BASIS OF APPEAL
TO THE STATE DEPARTMENT OF SOCIAL WELFARE

On _____ I, _____
(Date) (Name)
living at _____
(Address)

~~signed an appeal to the State Department of Social Welfare from the action~~
taken ^{by _____ County} regarding my application for or receipt of _____
(Assistance Program)

Since a satisfactory adjustment has not been arranged, I now request the State Department of Social Welfare to schedule my appeal for hearing at an early date.

This appeal is made on the basis of the following: _____

Signed _____

Date _____

Additional Information May be Submitted on Separate Sheet

State No. _____

**APPEAL
TO THE
STATE DEPARTMENT OF SOCIAL WELFARE**

The Welfare and Institutions Code requires that an appeal to the State Department of Social Welfare for a hearing before the Social Welfare Board shall be made within one year after the action with which the applicant or recipient is dissatisfied (Section 104.5).

I, _____, living at

Name

Address

hereby appeal to the State Department of Social Welfare from the action taken ^{by _____ County} regarding my application for or receipt of _____

(Assistance Program)

Signed _____ on _____

(Date)

IF YOU DESIRE TO APPEAL, THIS FORM SHOULD BE SIGNED AND RETURNED PROMPTLY TO THE STATE DEPARTMENT OF SOCIAL WELFARE AT:

The right of appeal must be exercised within one year from the date of the county action or order which caused dissatisfaction. Since the date of county action is the determining date, an appeal must be signed before the anniversary date of the county action. For example:

1. In appeals for the return of erroneous repayments, the date of collection or the date of the last installment payment is the determining date.
2. In appeals from demand for repayment the date of the last demand or the date agreement to repay was signed or a lien taken, whichever is later, is the determining date.
3. In appeals involving amount of the assistance payment, for example, a decrease in the assistance payment that has continued for more than a year, appeal may be made from deductions made during the preceding year, since the granting of assistance is considered a succession of monthly orders by the county.
4. In appeals from retroactive discontinuance following cancellation of suspended warrants, the date of discontinuance action is the determining date. The period involved in the appeal would extend back to the effective date of the discontinuance. (W&IC 104.5, 1551)

C-620 APPEAL PROCEDURE - GENERAL DESCRIPTION

C-620

The SDSW notifies the county concerned when an appeal is filed. The county reviews its record as to possibility of adjustment by administrative action, eligibility on points other than the one at issue and amount of assistance payable if the appeal is granted. The county submits a written summary (Basis of Action) in advance of the hearing, and prepares to present all available information relevant to the issue at the hearing. The county must be represented at the hearing. (See Sec. C-640, When Hearing Not Held in County Responsible for Assistance and Sec. C-628, County Responsibility in Appeals.)

Quaint
In general, the appellant submits, in advance of the hearing, a statement of the basis of his dissatisfaction. The appellant may appear in person or by authorized representative but there must be an appearance at the hearing.

All hearings are held by a referee designated by the SSWB, except that the SSWB may, on its own motion and subject to conditions affecting the appellant, elect to hear specific cases directly. (See Sec. C-684, Hearing Conducted by SSWB)

Fair hearings are set with as little delay as possible. (See Sec. C-636, Setting the Hearing) The hearing is an orderly but informal proceeding, much in the nature of a conference. Attendance is limited to those persons who are directly concerned.

If it is not possible to conclude the hearing because additional information must be secured, the hearing is continued to a suitable later date. (See Sec. C-660, Continuance for Further Information). Similarly, in the case of non-appearance, the hearing is continued pending redetermination of the wishes of the appellant. (See Sec. C-664, Continuance Because of Non-Appearance)

(Continued on Next Page)

As soon as possible following conclusion of the hearing, the referee prepares a report to be submitted to the SSWB, including formal findings in the light of law and policy and a proposed decision.

The SSWB studies the evidence developed during the hearing and renders a decision by adopting, modifying or otherwise changing the proposed decision of the referee.

Both the appellant and the county receive prompt notification of the SSWB decision. The letter of notification is accompanied by a copy of the findings and the decision adopted by the ~~board~~ ^{SSWB} (W&IC 104.5, 1551)

C-624 WITHDRAWAL OF APPEAL BEFORE DECISION

C-624

The appeal process is initiated by the appellant's request for a fair hearing and can be stopped only by his voluntary withdrawal. He may withdraw his appeal at any time before a decision is rendered by the SSWB, either because the county has made a satisfactory adjustment or for any other reason. Such withdrawal can be made only by the appellant and must be in writing. Form Gen M29, Withdrawal of Appeal (provided by the SDSW), may be used for this purpose or withdrawal may be made by letter. (W&IC 104.5, 1551)

State of California

Department of Social Welfare

State No. _____

WITHDRAWAL OF APPEAL

I, _____, the undersigned,
(Name)

hereby withdraw the appeal I filed with the State Department of Social
Welfare on _____ from the action taken ^{by _____ county} regarding my
(Date)

application for or receipt of _____ .
(Aid or Security)

I wish to withdraw the appeal because _____

Dated _____ Signed _____

Form Gen M29, Revised July 1949

On receipt of notification by the SDSW that an appeal has been filed, the county shall review its record immediately, in order:

1. To re-examine the action or situation cited to determine if adjustment through county administrative action is in order;
2. To determine whether the appellant is eligible on all points other than the point at issue;
3. To ascertain whether there is sufficient information on file to determine the amount of assistance allowable if the appeal is granted; and
4. To determine whether additional investigation is necessary.

The county shall make any necessary additional investigation in preparation for the hearing.

The county shall then prepare and submit to the SDSW a statement, Basis of Action, and any argument that the county may wish to present. (See Sec. C-632, County Summary of Appealed Action) This statement shall be submitted to the SDSW within 15 days of receipt of notification that appeal has been filed.

The county has continuing responsibility for maintaining contact with the appellant and shall report promptly to the SDSW, attention Central Office Appeals Section, any change in the appellant's mailing address that comes to the county's knowledge during the period that hearing and decision are pending.

In general, the county has responsibility for such preparation for and participation in, the hearing as will facilitate a full and fair hearing. (W&IC 104.5, 1551)

C-632 COUNTY SUMMARY OF APPEALED ACTION

C-632

Within 15 days following receipt of notification that an appeal has been filed, the county shall prepare and submit to the SDSW a summary, called Basis of Action, which shall include the following:

1. A statement of the county action from which appeal is made and the date of such action; *and*
2. A complete review of the evidence on which the county action was based, including that evidence which did not support the county action, as well as that which did.

The county shall also prepare and submit to the SDSW, in advance of the hearing, *the following:*

1. A statement that eligibility on points other than the point at issue has been verified; or, if ineligibility has been determined on other points, a complete statement of the information on which such determination was made; *and*

(Continued on Next Page)

2. A complete computation of assistance allowable, month by month, for the period covered by the appeal, showing how the amounts were determined. If any change affecting the computation occurs prior to the hearing, the county shall report it promptly by letter to the SDSW, together with the corrected computations. The county also shall present at the hearing any additional information required to bring such computations up to date. If need or income is at issue, the county shall also make (and revise, if necessary, as above) any alternative computations of the amount of assistance that the situation requires.

In the event that preliminary investigation by the county indicates that a longer time will be needed in order to complete the investigation and submit a report, the county may request an extension of time. (W&IC 104.5, 1551)

C-636 SETTING THE HEARING

C-636

Responsibility for scheduling the time and place of hearing rests with the SDSW. Procedures leading to a hearing are initiated as soon as an appeal is filed. Any change of address or any information either affecting the time or place of hearing or being submitted for presentation at the hearing should be directed to the SDSW, attention Central Office Appeals Section.

1. Date of Hearing. As soon as the appellant's statement of the basis of his dissatisfaction and the county's summary (Basis of Action) are received, the SDSW shall schedule the hearing for the first available date that will permit 10-day notice to the principals. This gives the principals time in which to collect evidence or otherwise prepare for the hearing.
2. Place of Hearing. Since the place of hearing must be convenient to the appellant's home, it is generally held at the county seat of the county in which the appellant is living at the time of the hearing. If transportation presents a major problem to the appellant or if he is physically unable to undertake the trip to the county seat, the appellant may request that the hearing be held in another county, in his home community, or in his own home if he is bedridden or otherwise unable to leave his home.

The county in which the hearing is to be held shall ^{assist in} ~~be responsible for~~ arranging for a suitable hearing room when requested to do so by the SDSW. The room should be large enough to accommodate approximately 6 or 8 people and should contain a table where the referee and reporter can work. It should be in some public building, preferably in quarters other than those occupied by the county welfare department, and should afford privacy.

3. Notification. The appellant and the county shall have not less than 10-day's notice of the time and place of hearing. Notification shall be in writing and shall be sent by registered mail, return receipt requested.

After a hearing has been scheduled, either the appellant or the county may, by writing to the SDSW, request a postponement of the hearing. The SDSW shall then notify the other party of the request and ask for assent or dissent in writing. The request and the ^{first} ~~response~~ of the second party shall then be considered. In general, the ~~request of an appellant for~~ ^{first} postponement shall be given favorable consideration. (W&IC 104.5, 1551)

If the hearing is to be held in a county other than the responsible county, the latter county may elect any one of the following procedures:

1. Send a county representative, with the case record, to the hearing; or
2. Include in the Basis of Action all of the information in the county's possession regarding the point at issue, both supporting and opposing the county action, together with relevant dates and any argument the county desires to make and conclude with the statement that the county rests its case on the Basis of Action.
3. Send the case record, containing all relevant information in the county's possession, to the county in which the appellant is living, with the request that the second county represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county to arrange such representation or to notify the first county of its inability to act. The first county would then, necessarily, follow one of the other two procedures. (W&IC 104.5, 1551)

C-644 THE REFEREE - FUNCTION AND DUTIES

C-644

The referee is a hearing officer designated by the SSWB to hear an appeal, take evidence, and prepare findings for consideration by the SSWB.

In conducting the hearing the referee shall, to the fullest extent possible, strive to:

1. Reassure the appellant that he is to receive a full and fair hearing;
2. Secure full and cooperative participation by those who have information to present;
3. Define clearly the issues involved in and the period covered by the appeal;
4. Cover all relevant points of fact or argument;
5. Provide ample opportunity for principals to question testimony and examine documentary evidence;
6. Secure all available or necessary information.

To these ends, it is necessary that the referee maintain order, retain general control of the proceeding, direct the hearing to relevant points, avoid irrelevant discussions as far as possible without unduly limiting expression, and generally to guide the hearing to a successful conclusion.

(Continued on Next Page)

If sufficient information regarding the point at issue is not available at the hearing, the referee may, at his discretion:

1. Continue the hearing to a later date. (See Sec. C-660, Continuance for Further Information)
2. Close the hearing but withhold his report and proposed decision. (See Sec. C-656, Referee's Request for Additional Material)

The second phase of the referee's function is preparation and submission of a report to the SSWB, such report to be accompanied by a transcript of testimony. The report shall include:

1. A statement of the issues involved in, and the period covered by, the appeal;
2. Findings of fact based on the evidence;
3. Analysis of the findings in relation to law and policy;
4. A proposed decision and order.

The referee's report shall be prepared as soon as possible following conclusion of the hearing and shall be prepared with due consideration for points of law and policy. In preparing his report, the referee shall consult legal and policy authorities as necessary but he shall be fully responsible for the content of the report. (W&IC 104.5, 1551)

C-648 FUNCTION OF PUBLIC ASSISTANCE REPRESENTATIVE

C-648

The ^{SDSW}department representative in public assistance has no responsibility for pre-hearing investigation. Usually, however, upon receiving notice that an appeal has been filed, the public assistance representative will review the county record.

The services of the public assistance representative are available to the appellant and to the county in exploring the possibility of an adjustment while the appeal is pending. The public assistance representative will also answer any questions the appellant may have regarding his appeal and will render any services the appellant may need in securing records or other information for his appeal.

The public assistance representative may attend the hearing, for the purpose of assisting the appellant, the county, or the referee. (W&IC 104.5, 1551)

C-652 THE HEARING - GENERAL RULES AND PROCEDURE

C-652

Attendance at a hearing shall be limited to those directly concerned, namely, the appellant and his representative and witnesses, representatives of the county, SDSW representative, the referee, and the hearing reporter. The referee shall exclude unauthorized persons from the hearing unless both principals agree to their presence. Appearance by the appellant (in person or by representative) is required at the hearing. County representation is required also. (See Sec. C-640, When Hearing Not Held in County Responsible for Assistance)

(Continued on Next Page)

an impartial and in
The hearing shall be conducted in a relatively informal manner in order to encourage free and open discussion by participants. At the same time, the referee shall control the hearing to insure that each person has the right to speak without unreasonable interruption.

A reporter shall be provided to record a verbatim report of the hearing, suitable for review by a court in the event that court review is sought. Certain formalities must, therefore, be observed in order to protect the legal rights of all concerned. The general character of the hearing shall be that of a conference rather than of a court proceeding. In conducting the hearing, the referee shall be governed by the general rules for evaluation of evidence as contained in the Manual of Policies and Procedures--ANC. He is not bound by the strict rules of court evidence. (W&IC 104.5, 1551)

C-656 REFEREE'S REQUEST FOR ADDITIONAL MATERIAL

C-656

If the referee feels the need of verification or documentation of unsupported statements made at the hearing, he may, at his discretion, order one or both of the principals to secure and send to him such verification or documents. He may then close the hearing after informing the principals that his report and recommendations will be held in abeyance pending receipt of the material requested.

Any such material shall be submitted directly to the referee. It shall be made available to both principals and they shall be given time for rebuttal before the referee submits his report. If further testimony is required because of the nature of the information submitted, the referee may request the SDSW to set a date for further hearing. (W&IC 104.5, 1551)

C-660 CONTINUANCE FOR FURTHER INFORMATION

C-660

If the referee finds that immediately available information is not adequate and additional investigation is needed, or that there are specific items of information essential to the hearing but which cannot be obtained without some delay, he shall continue the hearing. *↑ In all such cases the interim shall be held to the shortest possible time. The referee may continue the hearing at the request of either party.*

1. If the desired information is readily available to one or both of the principals, the referee shall, before adjourning the original hearing, set the time and place for the continued hearing at the earliest suitable date, notifying the principals that there will be no further written notice. He shall instruct one or both principals to bring the desired information to the continued hearing.
2. If the needed information is not readily available and further investigation is required, the referee shall instruct the principals to cooperate in securing the information but shall place primary responsibility upon the county for verifying and reporting the information to the SDSW, attention Central Office Appeals Section. The referee shall continue the hearing, and so notify the SDSW, attention Central Office Appeals Section, but shall set no time or place for the continued hearing. When the required investigation has been completed and reported, the SDSW shall set a date for the continued hearing, giving notice in the usual fashion. (W&IC 104.5, 1551)

If the appellant, or his duly authorized representative, fails to appear at the time and place set for hearing, the referee shall continue the hearing and refer it to the SDSW, attention Central Office Appeals Section. The SDSW shall inquire of the appellant, as to his wishes regarding his appeal and shall set a new date for the hearing if the appellant wishes to continue.

If the appellant, or his authorized representative, having received due notice, fails to appear a second time without adequate reason, the referee shall consider the appeal abandoned and shall recommend to the SSWB that the appeal be dismissed. (W&IC 104.5, 1551)

C-668 DECISION BY THE STATE SOCIAL WELFARE BOARD

C-668

Referee reports are considered at the regular monthly meetings of the SSWB.

In rendering a decision, the SSWB considers only the evidence secured through the hearing. Upon the basis of this information and in the light of relevant law and policy, the SSWB renders a decision.

If the appeal is granted, the SSWB orders payment of ANC in specific amounts for a specific period. (W&IC 104.5, 1551)

C-672 NOTICE OF DECISION BY STATE SOCIAL WELFARE BOARD

C-672

Within 10 days after the SSWB decision is rendered, the SDSW will mail notification of the SSWB decision to the appellant, the chairman of the county board of supervisors, the county auditor, and the county welfare department. The letter of notification will be accompanied by a copy of the findings of fact and decision as adopted by the SSWB. (W&IC 104.5, 1551)

C-676 STIPULATED APPEALS

C-676

There are some appeals which the county cannot adjust by administrative action alone, even though the county is willing to make the adjustment. Such appeals include ones involving retroactive restorations. (See Sec. C-518, Beginning Date of Assistance, and Sec. C-542, Restoration of Assistance. Also included are appeals which were signed within one year of the county action complained of but not adjusted within that period.

Under such circumstances, the county presents the facts to the SDSW and requests concurrence in their recommendations. If the SDSW concurs the county is authorized to make the adjustment. If an adjustment satisfactory to the appellant has been made, he is asked to withdraw his appeal. (W&IC 104.5, 1551)

C-680 COUNTY RESPONSIBILITY AFTER STATE SOCIAL WELFARE BOARD DECISION

C-680

The county shall pay the appellant the amount of assistance awarded by the SSWB or carry out any other order of the SSWB directed to the county in giving effect to the decision.

If there is a change in the child's circumstances after the period covered by the SSWB decision, the usual procedures are followed without further referral to the SSWB unless a new basis for appeal arises. (W&IC 104.5, 1551)

All hearings shall be heard by referee, except that the SSWB, on its own motion, may elect to hear any specific appeal, subject to the condition that the availability of the hearing to the appellant must not be limited by this action of the SSWB.

If the SSWB elects to conduct a hearing, dispensing with the services of a referee, the procedure shall be the same as for hearing by referee. There will be no pre-investigation by SDSW staff other than that done normally for supervisory purposes. The appellant may appear in person or by authorized representative but appearance by both appellant and county is required. (W&IC 104.5, 1551)

C-688 RE-HEARING

C-688

(or his authorized representative)

After decision by the SSWB, an appellant or a county, believing that all pertinent factors were not presented or considered at the hearing, may request a re-hearing. The request, a statement of the reasons therefor and any additional evidence, shall be submitted to the SDSW for presentation to the SSWB. A re-hearing, if granted, must be held within six months after the original order or decision. It is important, therefore, that any request for re-hearing be filed in time to permit consideration of the request and the holding of the re-hearing, if granted, within the statutory six-month limit.

The SSWB may order re-hearing on its own motion or on application of any interested party. (W&IC 104.5, 1551)

C-696 COURT REVIEW OF STATE SOCIAL WELFARE BOARD DECISION

C-696

If the appellant is dissatisfied with any decision of the SSWB, he may file, in the Superior Court of the county in which he resides, a petition praying for a review of the entire proceedings in the matter, upon questions of law involved in the case. On and after September 22, 1951, such petition shall be filed within one year from the date of the SSWB decision with which he is dissatisfied. The SSWB shall be sole respondent in such proceedings. If the court, when deciding in favor of the appellant, makes a finding as to attorney's fees and costs, such fees and costs shall be paid by the state as indicated by the court's ruling.

No filing fee shall be required from an appellant for the filing of a petition in the Superior Court for a review of the proceedings in his case, nor shall a bond be required in the case of any petition for review, nor in any appeal therefrom. If the decision of the court is in favor of the appellant, assistance shall be paid from the first of the month following date of application therefor, and the appellant shall be entitled to reasonable attorney's fees and costs.

Either the appellant or the SSWB may appeal the Superior Court's decision. (W&IC 104.5, 1551)

AREA OFFICES

LOS ANGELES OFFICE
MICHIGAN 8411
MIRROR BUILDING
145 SOUTH SPRING STREET
12

SACRAMENTO OFFICE
GILBERT 2-4711
924 9TH STREET
14

SAN FRANCISCO OFFICE
EXBROOK 2-8751
GRAYSTONE BUILDING
948 MARKET STREET
2

Earl Warren
Governor

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES I. SCHOTTLAND
DIRECTOR

July 31, 1951

STATE HEADQUARTERS

SACRAMENTO
GILBERT 2-4711
616 K STREET
14

ADDRESS REPLY TO:

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

Dear Mr. Jordan:

Attached are three copies of the regulations which will be issued by the State Department of Social Welfare with Old Age Security Manual Letter No. 2.

These regulations were adopted by the State Social Welfare Board on July 27, 1951, pursuant to the powers conferred upon it by the Welfare and Institutions Code under Sections 103, 103.5, and 114(b), and are being filed in accordance with Section 11380 of the Government Code.

These regulations are effective as follows:

September 22, 1951

Sec. A-555

October 1, 1951

Sec. A-1308

A-1310

A-1316

A-1317

Very sincerely yours,

C. I. Schottland

Charles I. Schottland
Director

FILED

in the Office of the Secretary of State
of the State of California

Attachments

JUL 31 1951

At _____ o'clock _____ M.

FRANK M. JORDAN, Secretary of State

By *[Signature]* Deputy

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C. J. Achordland
(Signature)

Director
(Title)

7-31-57
(Date)

Aid shall be continued to a recipient who leaves the state for a temporary period provided there is intent to retain California residence during such absence and the person remains otherwise eligible. (For discussion of evidence supporting the retention of California residence see Sec. A-520, Effect of Absence from the State Prior to Application.) Likewise aid shall continue to be paid to a recipient who goes to another county within the state for a temporary period provided need continues. (If a recipient moves to another county and by union of act and intent establishes residence there, see Inter-County Transfers, Chapter XIV.)

A recipient who goes out of the state or to another county for a temporary period without intent to change his residence shall be required to inform the county of residence every two months regarding his living plan and his intent as to residence. He shall also be required to report any changes in his income, need, or financial circumstances. ~~If there is prolonged absence, the county may request the welfare agency in the community to interview the recipient regarding his intent as to residence and for assurance that need continues.~~ If reinvestigation falls due during temporary absence, such reinvestigation shall be made. (See Sec. A-384, Reinvestigations During Absence from the State or County.)

(a)

A recipient's continued absence from the state for one year or longer is prima facie evidence that California residence is lost, i.e., it creates a presumption of intent to abandon California residence. Unless the presumption is refuted by evidence to the contrary, aid shall be discontinued.

The presumption that residence has been lost can be refuted only by positive evidence supporting the recipient's statement of intent to retain California residence. The recipient's signed statement of intent shall be secured and evaluated in relation to other factors such as voting by absentee ballot in California, leaving possessions here, correspondence indicating attempts to secure housing or to find a boarding home, or to make some other living plan here, temporary inability to return, etc. Circumstances which prevent the recipient's return might include: illness of the recipient which would prevent travel; inability of a relative to receive him because of temporary lack of space, unsettled living plan, illness in the relative's family, etc; temporary inability to obtain a traveling companion; lack of funds for transportation; etc.

(a)

A recipient who moves to another state or out of the U. S. with the intention of establishing residence there loses California residence immediately. Even though he may intend to return to California at some future date, if his intention is to remain and make his present residence elsewhere for an indefinite period, California residence is lost when by act and intent he establishes residence elsewhere. Aid shall be discontinued as of the last day of the month of departure, or of the month in which California residence is lost by coincidence of act and intent. (W&IC 103.4, 2140, 2160)

FILED

In the Office of the Secretary of State
of the State of California

JUL 31 1951

At 4 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By *[Signature]* Deputy

(a) Change to conform with Senate Bill 1587

The grant of aid shall be increased as soon as possible if a change in need and/or income causes the amount of the grant together with income to fall below the amount to which the recipient is entitled. Underpayment in months for which the recipient has already received a grant shall be adjusted by payment of retroactive aid when additional aid is found to be due the recipient under the provisions of Sec. A-1316, Retroactive Aid Payments by County, Item 11. However, if an increase in the continuing grant is required because of a change in the income and/or need, and the amount of the increase is \$2 or less, such change shall be made effective not later than the second month following that in which the changed circumstances were reported. If a change in the amount of \$2 or less is not continuing beyond two months, the amount of aid need not be changed. (See Sec. A-1317, Retroactive Aid Payments for \$2 or less.)

If monthly interest payments in decreasing amounts (which have not been determined an inconsequential resource) are received, either of the two following methods may be used for adjusting the grant.

1. The total amount of income from this source may be determined for each three-month period. Any necessary adjustment in the grant may be made in the first or not later than the second month following the end of the three-month period for which the amount was determined.
2. The total amount of income from this source may be determined for the ensuing twelve-month period and the monthly average thereof taken into consideration in making any necessary adjustment in the monthly grant. (W&IC 2140)

The grant of aid shall be decreased as soon as possible if a change in total need and/or income causes the amount of the grant together with the income to exceed the recipient's total need.

If the exact amount of income to be received in a given month is known in advance, or it is known in advance that a particular special need will no longer exist, any necessary decrease in the grant shall be made effective with the month in which such changed circumstances will occur.

Example 1: The county determines on October 10 that a recipient will receive his first \$20 monthly payment from an annuity in November. The income plus the current grant will exceed total need. The grant is decreased effective November 1.

Example 2: It is known in advance that a \$10 special need allowance must be deleted from the recipient's total need determination beginning May 1 because allowance for the full cost of the roof repair will have been made by that time. Any necessary adjustment in the grant shall be made effective May 1.

Under certain circumstances adjustment for overpayment is made by an appropriate decrease in the grant if the recipient remains otherwise eligible. Such decrease shall be made as soon as possible after the necessity for such adjustment becomes known, but in no event may the decrease be effective later than the second month following that in which the overpayment occurred.

The extent of the overpayment together with the income may be such that full adjustment for the overpayment can not be made by reducing the grant (or discontinuing aid for one month - see Sec. 361-50) in the second month following that in which the overpayment occurred. Under such circumstances delivery of the warrant for an earlier month should be withheld, if possible. The withheld warrant should then be canceled and rewritten in the decreased amount authorized by the board of supervisors, unless repayment has already been made. (a)

Example 3: An OAS recipient with total need of \$80 a month and net rental income of \$20 has been receiving a grant of \$60. On February 18 he starts receiving and reports immediately \$25 additional income to be received each month. If it is too late to make the adjustment in March, the county would normally make the adjustment in April. Meanwhile, overpayment of \$25 would have occurred in each of the months of February and March. In computing the adjustment to be made in April it is obvious that complete adjustment for the overpayment can not be made in the April warrant because the \$50 overpayment for February and March exceeds \$35 (\$80 less \$45), the amount of aid to which he would otherwise be entitled in April had no overpayment occurred. The March warrant is held and canceled. The board of supervisors county authorizes the decrease for March and the canceled warrant is rewritten for \$10, the amount to which he would otherwise be entitled in March (\$35) less the overpayment in February (\$25). The grant is then adjusted upward for April to \$35 (need \$80, income \$45). (a)

(Section Continued on Next Page)

- (a) To make applicable whether aid is authorized by the board of supervisors or by their authorized agent as provided in new Code Sec. 7.1 (Chapter 772, Statutes of 1951)

The month for which aid is decreased to adjust for an overpayment in either or both of the two preceding months is known as the "month of adjustment." (See Sec. 361-50 for adjustment by discontinuance of aid if the overpayment to be adjusted is in such amount that the otherwise eligible recipient would be entitled to receive no payment in the month of adjustment.)

(a)

I. Overpayment Due to Income (and/or Change in Total Need)

Overpayment occurs when the income and/or the need in a particular month causes the amount of the grant together with the income to exceed total need for that month.

When determining total need for the particular month, no consideration shall be given to needs which had not been reported to the county prior to the end of the particular month except if special circumstances prevented the recipient from notifying the county of his changed circumstances before the end of that month.

Special circumstances include:

1. Illness
2. The need arose too late in the month to give the recipient reasonable time in which to report the need within the month
3. Infrequent mail service from isolated areas, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so, but not later than the month following that in which the change occurred, the need shall be recognized for the month in which it occurred rather than in the month reported.

The amount of the grant for the "month of adjustment" shall be determined by subtracting the amount of overpayment occurring in the two preceding months from the amount of aid to which the recipient would have been entitled in the month of adjustment, had no overpayment occurred. The need in the month of adjustment (or the need in any other month) shall not be increased by carrying forward any deficiency between the total need in a previous month and the sum of the grant and the income in such previous month.

Example 4: In April an OAS recipient reports that he secured steady work earning \$15 net income in November and thereafter. Total need in March and April was \$80. The recipient was eligible in March and April for \$65 (\$80 less \$15) but received \$75, resulting in a \$10 overpayment in each of these months. The recipient would have been entitled to receive \$65 in May had no overpayment occurred. Aid is decreased effective May 1 to \$45 (\$65, the amount to which he would have been entitled had no overpayment occurred, less \$20, the overpayment in March and April). (Repayment is requested to the extent of the overpayment occurring between November 1 and February 28.)

(Section Continued on Next Page)

B. Recipient Failed to Disclose Facts Believing Them to be Immaterial to Eligibility

If property was excessive on the first day of either or both of the two months preceding the month of adjustment, determine the largest amount by which the property was excessive on any day during such ineligible period. This amount, or the amount of aid paid in those two months, whichever is the lesser, shall be deducted from the amount to which the recipient would otherwise be entitled in the month of adjustment. If there was continuous ineligibility because excess property existed both during and prior to the two months preceding the month of adjustment and the highest excess in the total period of ineligibility was greater than the amount adjusted through the decrease, the unadjusted remainder is subject to collection.

Example 6: During November the county discovers that an OAS recipient was ineligible on October 1, as total value of his personal property was \$1,207. This value increased to \$1,227 on October 20, was reduced to \$1,220 by November 1, and during November was further reduced within the amount allowable. The recipient failed to report the increase in his personal property holdings because he believed the increase had no bearing upon his eligibility. His total need in December is \$100 and he has \$20 income. Had there been no overpayment in October or November the recipient would have been entitled to a \$75 grant for December. The highest amount of excess (\$27) is deducted from the grant for which he would otherwise be eligible in December. The grant for December is, therefore, \$48 (\$75 less \$27 excess property).

Example 7: The county discovers on February 5 that an OAS recipient's personal property had been excessive since last September 1. Personal property had gradually been reduced from a maximum of \$1,335 in September. The highest excess between January 1 and February 28 was \$17. By March 1 the personal property is reduced within the amount allowable. Although the recipient was ineligible from September through February, it is determined that he failed to disclose the facts because he believed they were immaterial to his eligibility. Thus adjustment is in order only for the highest amount of the excess. Were it not for the overpayment which occurred in January and February the recipient would be entitled to receive a grant in March of \$70. The highest amount by which personal property was excessive between January 1 and February 28, the two months preceding the month of adjustment, was \$17. The March grant is reduced to \$53 (\$70 less \$17 excess). The highest excess personal property during the total period of ineligibility was \$135. Of this excess \$118 remains unadjusted (\$135 maximum excess less the \$17 adjusted by decrease in March grant). This unadjusted excess is subject to collection under the provisions of Sec. 670-76.

If the discovery of the excess property occurs too late to make the adjustment effective not later than the second month following that in which ineligibility existed, the right exists to request repayment.

(Section Continued on Next Page)

Broken periods of ineligibility may have occurred due to fluctuation in the value of the same holdings, i.e., the recipient did not add to his bank account or other items of personal property and the ineligibility resulted solely from fluctuation in the market value of his holdings, as in the case of corporation stock. Under such circumstances, determine in which one of the several ineligible periods the property reached the highest excess. If ineligibility existed in the first and/or second month preceding the month of adjustment, the grant for which the recipient would otherwise be eligible in the month of adjustment shall be decreased to the extent of the highest excess in that period. Any unadjusted balance of the repayment due is subject to collection.

C. Recipient Had No Knowledge of the Facts

Any overpayment during the two months preceding the month of adjustment shall be adjusted as set forth in Item II-B, Recipient Failed to Disclose Facts Believing Them to be Immaterial to Eligibility. There is no right to request repayment for overpayment which occurred in months prior to the second month preceding the month of adjustment. (See Sec. 670-76)

III. Overpayment Due to Reason Other Than Income or Excess Property

If overpayment occurred for reason other than income (and/or change in need) or excess property and the circumstances have so changed that the recipient is eligible to receive aid in the month of adjustment, the grant for which the recipient would otherwise be eligible in that month is decreased to the extent of the repayment due for the two months preceding the month of adjustment.

Example 8: An OAS recipient's application was signed on October 6. Aid in the amount of \$75 was granted from October 1. Since aid may not ante-date the signing of the application, the recipient was overpaid for five days in October or \$12.10. Were it not for the overpayment which occurred in October, the recipient would be entitled to receive \$75 in November. The grant for that month is decreased to \$62.90 (\$75 less \$12.10) and increased to \$75 effective December 1.

If the ineligibility is discovered too late to make the adjustment effective not later than the second month following that in which ineligibility occurred, the right exists to request repayment only if the recipient purposely withheld information in order to obtain aid to which he was not entitled.

IV. Overpayment When Two Ineligibility Factors Exist Concurrently

Two causes of ineligibility may exist concurrently, i.e., the recipient may have been overpaid because of income (and/or change in need), and during the same period personal property holdings may have been excessive. Compute the total amount of repayment due on the basis of each cause of ineligibility. Adjustment and/or request for repayment shall then be based upon the single eligibility factor which resulted in the larger amount of repayment due. If circumstances have so changed that the recipient is currently eligible and adjustment can be made not later than the second month following a month in which overpayment occurred, proceed as herein outlined in Item I, II, or III, whichever is appropriate.

(Section Continued on Next Page)

Insert:

If overpayment of \$2 or less occurred in either or both of the two months preceding that month which would normally be the "month of adjustment", the grant shall not be reduced to adjust for such overpayment, nor shall adjustment for such overpayment be made by means of a refund. Any necessary change in the continuing grant shall be effective with that month which would normally be the month of adjustment, and shall be determined on the basis of the need and the income to be received in that month.

(a)

A decrease in the grant (or cash adjustment by means of a refund from the current income including the grant for which the recipient is currently eligible) shall not be made because of overpayment prior to the second month preceding the month of adjustment. If an overpayment resulting from increased income (and/or reduced need) is discovered too late to adjust the grant within this time limit, request for repayment shall be governed by Sec. 670-76, Right to Request Repayment of Aid even though the overpayment in any such prior month may be \$2 or less.

(b)

II. Overpayment Due to Excess Personal or Real Property

If real or personal property has exceeded the legal limitation but has been reduced within the maximum, thus making the recipient eligible for continued aid, the grant shall be decreased to adjust for overpayment, if any, which occurred in the two months preceding the month of adjustment. Overpayment occurred for any month in which property was excessive on the first day of the month. (If there was an overpayment prior to the two months preceding the month of adjustment, such overpayment is subject to collection under the provisions of Sec. 670-76, Right to Request Repayment of Aid.)

A. Recipient Purposely Withheld (or Misrepresented) the Facts

The grant shall be adjusted by deducting the amount of aid paid during the one and/or two months preceding the month of adjustment (provided property was excessive on the first day of either or both of those months) from the amount for which the recipient would otherwise be eligible in the month of adjustment.

Example 5: The county discovers on December 16 that an OAS recipient's personal property totaled \$1,212 since July 1. The recipient admitted he did not report the change in his circumstances as he did not wish his grant of \$20 stopped. By January 1 the property is reduced within the amount allowable. Total need in January, the month of adjustment, is \$95 and the recipient has \$15 income in that month. He would be entitled to receive \$75 were it not for the overpayment in November and December due to excess personal property. Effective January 1 the grant is reduced to \$35 (\$75, the amount he would receive had there been no overpayment, less \$40, the total amount of aid paid for November and December). (The overpayment for the period July 1 through October 31, is subject to collection - see Sec. 670-76.)

(Section Continued on Next Page)

(a) To incorporate provision of SB 1444.

(b) To specify that overpayments of \$2 or less for months prior to that month in which changed circumstances are reported are not to be disregarded.

V. Offsetting Under- and Overpayments Within the Two Months Preceding the Month of Adjustment

Circumstances may arise wherein the recipient is overpaid during one of the two months preceding the month of adjustment and is entitled to receive retroactive aid for the other month. In lieu of issuing a retroactive aid payment for one of the two months preceding the month of adjustment, the amount of overpayment occurring in the other month may be reduced to the extent of the amount of retroactive aid due for the month in which the recipient was underpaid. The amount of overpayment so reduced shall then be considered in determining the grant for the month of adjustment.

Example 9: On May 29 an OAS recipient receiving \$10 income and a \$65 grant reports a medical need in that month costing \$10. Thus his need for May is increased to \$85. Since he received \$65 for May and was entitled to receive \$75, retroactive aid in the amount of \$10 is due for May to adjust the underpayment. He also reports that beginning in June his continuing income will be increased to \$30 a month. His need and income in June are such that he is entitled to receive a grant of \$45 for that month. It is too late to adjust the June payment so in June he receives a \$65 payment whereas he was entitled to \$45 only, an overpayment of \$20. The overpayment in June is considered to be reduced to the extent of the \$10 underpayment in May, a net overpayment of \$10. Had it not been for the overpayment, the recipient would have been entitled to receive a \$45 grant for July. This amount, less the \$10 net overpayment, results in a \$35 grant for July. No retroactive aid is paid for May.

Should the underpayment in one of the two months preceding the month of adjustment exceed overpayment in the other month, the amount of retroactive aid to be granted for the month in which underpayment occurred shall be reduced to the extent of the overpayment in such other month. No grant adjustment for the overpayment is necessary.

Full detail shall be recorded in the case record whenever underpayment within the two months preceding the month of adjustment is considered to be offset by overpayment within those two months, or vice versa. (W&IC 2020, 2140; AGO NS4473)

Retroactive aid means aid paid in a subsequent month for some preceding month or months. All payments of aid shall be made within the month for which aid is granted (see Sec. 611-50, Beginning Date of Aid---New Applications) except that retroactive aid shall be paid by the county in the following types of situations (see Sec. 626-50, Supplemental Aid Claims):

Portions of this section not relevant to changes are omitted from the agenda.

11. If payment was made in conformity with the authorized award but the county subsequently determines that the recipient was eligible for a greater amount. The following principles shall govern when determining the amount of underpayment, if any, to be adjusted by payment of retroactive aid, and the date from which retroactive aid shall be paid.

- a. Responsibility rests upon the individual to report changes in his need and income.

- b. ^{A-1317} Except as provided in Sec. ~~361-26~~, Retroactive Aid Payments for \$2 or Less, retroactive aid to adjust for underpayment caused by reduced income and/or increased needs shall be paid beginning with the first of the month in which a change in need and/or income is reported to the county, or the first of the month in which increased need exists, whichever is later.

(a)

- c. No retroactive aid shall be paid to adjust for underpayment in months prior to the month in which the change in need or income is reported to the county except when special circumstances prevented the individual from notifying the county of his changed need and/or income in the same month in which the change occurred. The following are among the special circumstances to be given consideration:

- (1) Illness
- (2) The need arose too late in the month to give the recipient reasonable time in which to report the change within that month.
- (3) The recipient could not have known until the last day of the month that income would not be received, or would be received in a lesser amount than previously reported.

(Section Continued on Next Page)

(4) Infrequent mail service from isolated areas, etc.

If the changed circumstances are reported as soon as the recipient could reasonably be expected to do so, but not later than the month following that in which the change occurred, retroactive aid shall be paid from the first of the month in which underpayment occurred, rather than from the first of the month the change in need or income was reported. The case record shall show the reason for granting retroactive aid for a month prior to the month in which changed circumstances were reported.

- d. The total need for a particular month shall be determined on the basis of the total need in that month. Need shall not be increased by carrying forward any deficiency between total need in a prior month and the sum of the grant and the income in such prior month.

Any retroactive aid found to be due after applying the foregoing principles shall be paid irrespective of whether the additional amount due can be authorized ~~by the board of supervisors~~ prior to the end of the second month following the month for which retroactive aid is determined to be due. The county may grant the additional amount due without the necessity of appeal or SDSW concurrence provided the ~~board of supervisors~~ county can authorize the additional aid before the expiration of one year, including the month in which the recipient was underpaid.

(a)

(See Sec. 670-76 for explanation of offsetting under-and overpayments occurring in the period prior to 2 months preceding the month of adjustment and Sec. 361-10 for offsetting under-and overpayments within the 2 months preceding the month of adjustment.)

(See Sec. 627-30, Federal Participation.) (W&IC 2140, 2220; AGO NS 4670; FSS-Admin.)

(a) To make applicable whether aid is authorized by the board of supervisors, or by their authorized agent as provided in new code Sec. 7.1 (Chap. 772, Stats. of 1951)

If continuing need and/or income changes to such extent that continuing future payments must be increased \$2 or less, the necessary change in the continuing grant shall be authorized in time to be effective with the first, or not later than the second, month following that in which the changed circumstances were reported. Retroactive aid to adjust for underpayment caused by reduced income and/or increased needs shall not be paid for any month in which the amount of underpayment is \$2 or less. Exception: If for any reason a necessary change is not made effective until after the second month following that in which the changed circumstances were reported, retroactive aid in the amount due shall be paid beginning with such second month even though the amount of retroactive aid due is \$2 or less. (W&IC 2020, 2140)

New section to incorporate provisions of Sec. 2020 as amended by SB 1444.

T- 22
CH- 2

AREA OFFICES
LOS ANGELES OFFICE
MICHIGAN 8411
MIRROR BUILDING
145 SOUTH SPRING STREET
12
SACRAMENTO OFFICE
GILBERT 2-4711
924 NINTH STREET
14
SAN FRANCISCO OFFICE
EXBROOK 2-8751
GRAYSTONE BUILDING
948 MARKET STREET
2

Earl Warren
Governor

STATE HEADQUARTERS
SACRAMENTO
GILBERT 2-4711
616 K STREET
14

STATE OF CALIFORNIA

Department of Social Welfare

CHARLES I. SCHOTTLAND
DIRECTOR

July 31, 1951

ADDRESS REPLY TO:

Hon. Frank M. Jordan
Secretary of State
Room 109, State Capitol
Sacramento, California

Dear Mr. Jordan:

Attached are three copies of the regulations which will be issued by the State Department of Social Welfare with Aid to Needy Blind Manual Letter No. 4 and a resolution of the State Social Welfare Board which obsoletes certain specified regulations.

These regulations were adopted by the State Social Welfare Board on July 27, 1951, pursuant to the powers conferred upon it by the Welfare and Institutions Code under Sections 103, 103.6, and 114(b), and are being filed in accordance with Section 11380 of the Government Code.

These regulations are effective as follows:

<u>September 1, 1951</u>	<u>September 22, 1951</u>	<u>October 1, 1951</u>
Sec. B-612	Sec. B-005 B-252 B-267 B-607	Sec. B-627
B-772	B-030 B-255 B-270 B-756	
Chapter XIII	B-035 B-258 B-276	
	B-218 B-259 B-279	
	B-220 B-261 B-376	
	B-249 B-264 B-518	

Department Bulletins No. 394 and 408 are obsolete.

Very sincerely yours,

C. I. Schottland **FILED**

Charles I. Schottland In the Office of the Secretary of State
Director of the State of California

Attachments

JUL 31 1951
At *4* o'clock *P* M.
FRANK M. JORDAN, Secretary of State
By *[Signature]* Deputy

Certified as a Regulation (or as
Regulations) of the

Dept of Social Welfare
(Name of State Agency)

C. I. Schouland
(Signature)

Director
(Title)

7-31-57
(Date)

RESOLUTION

Chapter XV of the Manual of Policies and Procedures - OAS,
Chapter XIII of the Manual of Policies and Procedures - Aid to the Blind,
and Chapter V of the Manual of Policies and Procedures - ANC render
obsolete the Fair Hearing Chapter (Chapter 325) of the Manual of
Policies and Procedures effective September 1, 1951.

FILED

In the Office of the Secretary of State
of the State of California

JUL 31 1951

At 4 o'clock P. M.

FRANK M. JORDAN, Secretary of State

By *Wm. J. Gray* Deputy